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SIGNS OF THE TIMES:

LETTERS TO ERNST MORITZ ARNDT

ON THE

DANGERS TO RELIGIOUS LIBERTY

IN THE

PRESENT STATE OF THE WORLD.

BY

CHRISTIAN CHARLES JOSIAS BUNSEN,

D. D., D. C. L., D. PH.

TRANSLATED FROM THE GERMAN BY

SUSANNA WINKWORTH,

AUTHOR OF "THE LIFE OF NIEBUHR," ETC.

NEW YORK:

HARPER & BROTHERS,

329 TO 335 PEARL STREET.

1853
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ROY WALKER
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TO THE
25TH OF SEPTEMBER, 1855.

THE TRICENTENARY

OF THE

RELIGIOUS PEACE OF AUGSBURG.

“E PUR SI MUOVE.”

TRANSLATOR'S PREFACE.

HAD the name of the author of the work now before us been as unknown in England as it is well known and honored, a sufficient reason for the present translation would still be found in the fact of the importance attached to the work by public opinion in Germany. As an illustration of this it is enough to mention that the first edition of 2,500 copies was disposed of within a month from publication, and a third edition was required within three months; while the author was requested to become a candidate for the representation of the capital, and of Magdeburg, and actually elected in the latter city, though he had in both cases refused to be put in nomination. Some of the questions of which this book treats have, indeed, an immediate and painful practical interest in Germany, such as, happily for us, they do not possess in England; but the general principles upon which their decision ought to rest, are as important to us as to the author's fellow-countrymen;

and it affects the permanent well-being of our Church and State, no less than theirs, that just and clear conceptions on these points should be generally prevalent among the people at large. I think it may conduce to this result to contemplate these subjects in pictures drawn from other lands and foreign social conditions, where consequently our perceptions may be undimmed by the mists of personal and party prejudice that hang around our own horizon; and I believe that we may learn some useful lessons from beholding the logical development and working out of ideas which have their root in a temper and spirit not wholly extinct here, if existing for the most part latently, or even unconsciously.

It is possible that the historical details respecting the internal development of the Prussian Church, into which the author enters at considerable length in the last letter, may be found somewhat dry by those living at so great a distance, physically and morally, from their scene. Indeed, some of the notices of the original which have appeared in our reviews, have recommended that in an English translation this account should be greatly abridged. After careful consideration, however, it seemed to me most advisable to give the work entire; for though some of the subordinate questions it treats

of may not directly concern ourselves, it can scarcely be without interest to us to study even the special aspects assumed by ecclesiastical affairs in a nation more closely related to us than any other in the Eastern hemisphere of our globe, by affinities of race, religion, and mental culture. The partial alienation that has of late sprung up between us ought to be solely attributed to its true cause in the recent or former wrong-doings of a few individual politicians on both sides of the water, and not to be suffered to deaden the natural sympathies of the two peoples; nor should the hatred to England exhibited by a mere clique make us forget, as it has sometimes almost seemed to do, the thousand ties of common interests and affections that bind us to our Prussian brothers. The reception that they have given to this work of Chevalier Bunsen's, with its open declaration of his political views and sympathies, is but one proof among many that they are animated by an utterly different temper toward us from that displayed by some of their leading men for the time being. May the book prove one contribution toward our reunion.

It is perhaps necessary to explain, that in the following pages, a few passages have been somewhat modified or curtailed in deference to the requirements of style; but I believe that in no case has the general

sense of a passage been affected by these alterations, for which I have received the author's sanction. They are but few, and in all instances where a philosophical idea was concerned, it has been my endeavor to adhere as closely as possible to the exact meaning of the original.

S. W.

MANCHESTER, February 29th, 1856.

TABLE OF CONTENTS.

LETTER I.

	PAGE
SIGNS OF THE TIMES.—The Spirit of Association and the Hierarchy—Freedom of Conscience and Persecution	13

LETTER II.

The Eve of the Festival of St. Winfred—Bishop Ketteler's Pastoral—The German Nation and the Anglo-Saxons. . . .	49
---	----

LETTER III.

The Jubilee Festival—Boniface, his forerunners and successors	61
---	----

LETTER IV.

The Sermon on the Tiara by the Bishop of Strasbourg, and the Manifesto of the Assembly of German Bishops at Würzburg, in the Autumn of 1848	87
---	----

LETTER V.

The History of the Dispute between the Church and Government in Baden, from its commencement in 1853 up to the present time	110
---	-----

LETTER VI.

	PAGE
The Conflict between the Civil Legislation and the Canon Law of Rome, in its bearing upon Marriage, Education, and Property	149

LETTER VII.

The Conflict of the Priesthood with Conscience; and the Recent Persecutions	162
---	-----

LETTER VIII.

Historical Retrospect and Solution of our Difficulties on the basis of a truly Christian Polity	191
---	-----

LETTER IX.

Observations on Stahl's Doctrine of Tolerance, as regarded from an Historical and Juridical Point of View	243
---	-----

LETTER X.

Objections to Stahl's Doctrine of the Church and the Union, in its bearing on Law, on Religious Liberty, and on Free Inquiry	274
History of the Union	308
A Summary of our Inquiries with respect to the state of Protestant Christianity in Prussia and Germany generally	354

THE CONCLUSION.

The Significance of the Two Signs of our Times	365
--	-----

APPENDIX TO LETTER V.

	PAGE
A.	
An Historical and Juridical Account of the Contest in Baden, up to June 1854	382
B.	
A Project of Law proposed by Professor Warnkönig, concerning the external affairs of the Church in the Province of the Upper Rhine	401

APPENDIX TO LETTER VII.

DOCUMENTS RELATING TO THE RECENT PERSECUTIONS.

A.	
The Persecution of Domenico Cecchetti in Tuscany	404
B.	
The Persecution of Johannes Evangelista Borczynski in Prague.	409
C.	
The most recent Legislation of Austria on Ecclesiastical Affairs .	417
D.	
Report of the Recent Persecution of a Protestant Father in France	418

APPENDIX TO LETTER VIII.

The Article of the Prussian Constitution of 1850, touching Eccle- siastical Affairs	421
--	-----

APPENDIX TO LETTER IX.

Extract from the Transactions of the Evangelical Kirchentag, held in Berlin, in September, 1853	423
--	-----

APPENDIX TO LETTER X.

	PAGE
A.	
Royal Cabinet Order of 27th September, 1817	427
B.	
Royal Cabinet Order of July, 1834	429
C.	
Cabinet Order of the 6th of March, 1852	430
D.	
Cabinet Order of the 12th of July, 1853	432
E.	
Royal Cabinet Letter to the Pastors of the Wittenberg Conference, October 11th, 1853	434
F.	
Evangelical Consensus, as agreed upon by the General Synod of Prussia of 1846	436

SIGNS OF THE TIMES.

LETTER I.

SIGNS OF THE TIMES—THE SPIRIT OF ASSOCIATION
AND THE HIERARCHY—FREEDOM OF CONSCIENCE
AND PERSECUTION.

CHARLOTTENBERG, near HEIDELBERG,
1st June, 1855.

MY DEAR AND HONORED FRIEND,

What mean the Signs of the Times? Is it ebb or flood with us? Are we in Germany and Europe going forward or backward? Which will triumph: Church or State, priesthood or people?

So have thousands and millions asked since the end of the last and the beginning of the present century; but never more universally and more anxiously than since 1848—except, since 1851. Every one feels that the most opposite extremes—indeed, apparently, at least, the most fundamental principles of truth—are standing face to face, in an attitude of absolute defiance; that decisive conflicts are preparing; that a new order of things is shaping itself. But opinions are everywhere divided as to what is destined to remain at the close, or whether perchance that close may prove to be the end,

if not of the world, yet of the existing civilization and social arrangements of Europe. The fears of one party are the hopes of the other; selfishness and passion not only step boldly into the foreground, but bear unblushingly on their brow the sign of the highest and holiest. The incredible in one form or other appears to all parties and peoples credible, nay, the impossible, probable; few or none of the existing powers or faiths are held to be secure.

Now wherever the free expression of thought is permitted, and the popular sentiment finds its organs, these contradictory principles, these doubts, this sense of anxiety, are clearly visible. But where this freedom of utterance does not exist, or popular feeling has not as yet colored the literature, there reigns a certain torpor, which to many seems merely a symptom of exhaustion and acceptance of the *faits accomplis*, but to others the most threatening sign of the times; inasmuch as none can tell how far it is a token of life or death, of indifference or despair, of exhaustion or of energetic and only temporarily repressed indignation. That new delusions have been detected, has not made old lies more credible. Confidence is demanded, but is not given: the duty of faith is preached, but its preachers find no faith, even when they and their sermon deserve it. Add to this, that the mistrustful are by no means all unbelievers, still more rarely thoughtless persons; and that though the exclusives may be here and there the most influential, they are nowhere the majority of the people, nor yet the leaders of learning and science. Those despairing views of the world prevailing in Southern Europe, which have found voice in the immortal lyrics and meditations of the noble Leopardi, seem to be invading Germany; may the causes perchance be the same?

So far, however, we find a firm belief in the moral order of the universe, wherever free speech and free thought are not yet stifled. But it is equally certain that we find even there, though the feeling may be less predominant, a vague sense of uneasiness, and a gloomy pondering over the signs of the times and the interpretation of prophecy, which paralyzes all energy for united action just among the best people. For we can not recognize as interpretations of those signs, the opinions of such as believe in no moral order of the world at all, nor yet of such as are only capable of regarding it as it concerns themselves personally, or the class to which they belong. Those who deny any sort of moral government, see in the phenomena only chance—only the consequences fortuitously produced by particular persons or events. The latter, however, who judge all events and actions by the standard of their own advantage or their own selfish aspirations, do not really believe in the superhuman, truly moral, and divinely true element that lies behind all phenomena. The one class are the theoretical, the other, the practical deniers of God.

Such a state of things is certainly very similar to that in which the Roman Cæsars ascended the throne of the world's empire. But there is now no universal empire; and yet to have overlooked this circumstance is but the most pardonable error and the smallest sin of the shallow and sanctimonious writer Romieux, who three years ago delighted so many of "the pious" with his "Age of the Cæsars," by the background of his picture—the hierarchy!

There is no doubt but these two sorts of unbelievers, together with the unenlightened students of prophecy above mentioned, constitute in many countries, at this moment, the great majority, although in various propor-

tions. With regard to our own country, we may still thankfully acknowledge that despairing views of the world have neither got a hold on the mass of the people, nor yet on our learned men, or only in exceptional cases through personal discontent. The German nation has a firmer faith in the moral order of the universe than any other that I know of. Our notable men of learning and of faith still to this day see in the facts of human consciousness, as in those of the history of our race, the confirmation of that instinctive faith of man in the moral government of God; and find in the teachings of the Gospel, the same doctrine that is taught by all earnest and thoughtful contemplation of the universe.

Nevertheless, the prevailing mood of men's minds throughout Europe is everywhere, and not only on the Continent, decidedly that of uneasiness. Hence it is not to be wondered at that many seek to explain this feeling by their view of recent events or those of a more distant past; and that still more avail themselves of it to further the spread of the views to which they have specially devoted their efforts. Thus we encounter almost daily some new phraseology which promises to explain the state of the world and men's minds by means of some new or old formula, dishonest men who puff these nostrums, simpletons who believe them, and a still greater number of triflers who pretend to believe them. The Mormonites among the Sects, and the Rohmers among the Cagliostros, are not altogether isolated phenomena. Hence, too, it is no wonder that we see the delusions and the sophistry which prevailed in the period of the Restoration appearing again in fuller force and with bolder face.

How childlike appear the delusions of De Bonald and Le Maistre, of Görres and Friedrich Schlegel, compared

to those of the writers in the *Univers* and the *Tablet*, and many pastoral letters! How ingenuous and simply pedantic appears even the sophistry of Adam Müller and of Haller, compared to the facility with which their successors and spiritual comrades in the *Kreuz Zeitung*, or the historico-political periodicals, promulgate falsehood as fact, a paradox as a truth. And how powerfully are they seconded by the band of their juridical abettors, who turn necessity into a virtue, and force into right; and by the unholy zeal of notable pulpit orators, who paint despotism as law and order, servitude as freedom, but, above all, scoff at the divine spark of reason within us as godless, and crush down the conscience of the individual as rebellion! Are not these things signs of the latter days?

And what, with all their apparent success, do they really bring to pass? That the great mass of society in Germany close their minds all the more against any kind of mystery as mystification, and reject every means of exciting the religious feeling, because they regard them all but as so many attempts at galvanization on the part of the police. Once for all, the people stay away from church out of sheer aversion to a police-church. And can the exclusives believe that the people will flock into their church, when they openly confess that the great mass of the town population and the cultivated classes must be excluded from it, or at least given up as unbelievers? That this feeling is rankling in the hearts of the people is one cause, too, of the morbid political excitement, or torpor, reigning in so many quarters. To most politicians, as to the masses, for this year past, all has been trembling in the balance with Sebastopol. That city is, to the one side, the fateful Troy, that must be taken at all price; to the other the fateful Palladium,

on whose rescue hangs the future of the world and the preservation of the conservative element in our fatherland. Both these politicians and the masses forget, meanwhile, the realities around them, and overlook, or positively despise, the opportunity now afforded for useful, calm, unceasing, durable, if not brilliant and stirring action and reform. But "the Oriental question will decide our future; the elections will turn upon that." We look on at the strife; our old men sulk, and our young men—smoke cigars! To lay the hands in the lap counts for wisdom, and is perhaps abnegation. The great body of the nation is silent. But never could the maxim of the jurists, "Silence gives consent," be less correctly applied to the state of men's minds.

But we, too, my dearest friend, have always held with those who believe firmly in a moral order of the universe, and think that we are speaking as becomes Christians when we express our conviction, that both that order and the mental freedom taught by the Gospel have been acknowledged by the wise men of all ages and nations, and are attested by the world's history no less than by conscience.

You, my honored friend, our national seer of ninety, have from the beginning of this century held up before us of the past generation, as well as those of the present—the third that has listened to your sacred songs of faith and freedom, of patriotism and humanity—the torch of God's Word and human experience on the path of Christian and truly German faith in Providence. The great men under whose guidance Brandis, and I, and many others, some of whom have now departed, while others are still left, entered on active life and the world of realities—I mean Niebuhr and Schleiermacher, especially—were snatched away from us at the begin-

ning of the stormy period. But we ourselves have already left behind us a forty years' pilgrimage through a checkered and observant life, and we have passed these years of sojourn, not at home among books and scholars, but among various nations, and in divers spheres of activity. And this we can say truly of ourselves and our fellows in age and spirit, that we have striven not to live unworthily of the teaching and the solemn baptism of 1813; have never and nowhere denied our German sentiments, or despaired of the future of our nation or of humanity. Our first love is not quenched; God be thanked! not one of us has suffered shipwreck in this faith. All the more do we unitedly rejoice in your wondrous youthful freshness and courage; but we esteem you yet more happy in the absence of all bitterness in your conversation or writing, notwithstanding all you have suffered from injustice and disappointed hopes. In possessing such a temper of mind you have borne off the high prize, the truly divine jewel of a Christian spirit and genuine philosophy from the warfare of life. You might have responded to the arrogance of the successful party of the last six years, as you answered in your "*Nothgedrungenen Berichte*,"* the insolent and shameless accuser of 1846, in the words of Goethe's Prometheus:

"Musst mir meine Erde
Doch lassen stehen,
Und meine Hütte die du nicht gebaut,

* "*Nothgedrungenen Berichte*;"—"Statement extorted by Necessity," is the title of a book published by Arndt, in 1846—an account of the persecutions he had suffered on the plea of so-called "demagogical intrigues." It was "extorted" because some evil-disposed person had, in 1846, again revived insinuations against him, six years after the king had reinstated Arndt in his professorship.—*Tr.*

Und meinen Herd,
 Um dessen Glut
 Du mich beneidest.
 Wähntest du etwa,
 Ich sollte das Leben hassen,
 In Wüsten fliehen,
 Weil nicht alle
 Blümenträume reiften?''*

But not alone have you tamed the Titan-nature in your breast, but the love of God and our brethren has, at all times, found an echo there. In the sultry atmosphere of 1846,† which weighed heavily on us all, you say :

* These verses may be rather roughly translated as follows :

“ Yet must thou leave me
 My earth still standing,
 And this my dwelling which thou didst not build,
 And my bright hearth
 Whose ruddy glow
 Thou enviest me.
 Deemedst thou ever
 That I should hate my life
 And flee to deserts,
 Because not every
 Dream-blossom of youth bore fruit? ”

† The universal feeling of discontent, of the instability of political powers in Germany, had grown to such an extent in 1845, that the year may well be compared to the calm preceding a storm. Few things happened to denote it to the vulgar eye. Yet it could be discovered in the character of several bread-riots; in the habit which then gained ground, even among men in office, of ridiculing and regretting every existing institution; in the progress of power made by the provincial Diets in Prussia; in the threatening language held in all the “constitutional” States of Germany; in the resuscitation of *national* feelings which had lain dormant since 1815. Hence the immense excitement which accompanied every liberal movement in Italy soon after, and the strong political agitation produced by the King of Prussia’s convoking the first United Diet in February, 1847.—*Tr.*

“Komm Gott, komm Gott vom Himmel,
 Und sich in Gnaden drein :
 Durchleuchte das Gewimmel
 Der Nacht mit Sonnenschein ;
 Entwirre die Verwirrung,
 Die ohne Licht und Rath,
 Stets tiefer in Verirrung,
 Verfahren hat den Pfad.”*

And when, in the year 1851, many generous-hearted and brave Angles and Hessians were forced to seek a new home, and honorable grave, beyond the ocean, though your deep grief broke out in the song—

“O mein Deutschland, will dein Jammer?”

—yet how does it conclude ?

“Still! es rufet, du sollst beten,
 Christ, sollst lieben, glauben, hoffen,
 Sperrt sich eng die deutsche Welt auch
 Ewig steht der Himmel offen !
 Drum lass Alles durch einander
 Fallen, stürzen, krachen, brechen :
 Droben, glaubet, waltet Einer,
 Der wird letztes Urtheil sprechen.”†

* “Come, God, from Heaven, oh, come!
 In grace look down on us,
 And let Thy sunshine pierce the gloom
 Where we are 'wildered thus ;
 Guide us from out the maze,
 Where, reft of wisdom, light,
 Our path through wilds of error strays
 Still further from the right.”

† “Hush! it cries, and pray, O Christian,
 Thou must hope, believe, and love ;
 Shut's the German world against thee,
 Open still stands Heaven above !

Nor have you, since then, lost your trustful, joyful confidence. Where could this feeling be more freshly or youthfully expressed than in your last song, written for the blessing of the colors, last November, which is now lying before me, in your own beloved handwriting? You, who have seen Frederic the Great and his heroes, sang in your eighty-fifth year, as you were nailing to its staff the ensign of the "Union of Veterans" of Bonn—

“ Das meint nicht Treue festzunageln,
 Die muss durch Gott gefestet sein,
 Dass, wenn die Schlachtenwetter hageln,
 Und Blei und Eisen niederspein,
 Die Fahne fliege als ein Zeichen,
 Der Ehre Pfand, der Treue Pfand,
 Dass in dem Kampf kein Mann will weichen,
 Für König, Gott, und Vaterland.
 * * * * * *
 Und nun das höchste Hoch der Alten,
 Zum Himmel steige das Gebet!
 Wir wollen feste Treue halten,
 Wo diese Fahne vor uns weht!
 Und muss sie einst im Felde fliegen
 Den stolzen Preuszenadlerflug,
 So bleibe: Fallen oder Siegen
 Der Veteranen Ehrenspruch.*

Then let all things in confusion,
 Fall and sink, and crack and break:
 One, believe it, rules still o'er us,
 Who the final word shall speak!"

* " 'Tis not our truth that here we nail,
 That must be done by God on high,
 That when the battle's deadly hail
 And iron storms around us fly,
 Our flag may tell to all the field
 The truth and honor of our band,
 That in the fight we ne'er will yield,
 For King, and God, and Fatherland.
 * * * * * *

Concerning the politics of the day, and the attitude of our country toward the great struggle between the East and West, we have exchanged few words. Conscious of a perfect understanding with each other in regard to the main point, each has allowed the other to shape out his own course. It was, therefore, very natural that my heart should be attracted toward you, of all others, when, at the close of the first year after my return to my native land, I looked around me; considering whether the fitting season had arrived to discuss the portents of the age with friends and fellow-thinkers in the presence of the public. For you are our oldest and most trustworthy seer, and the signs of the times, and their true and false interpreters, are a never-failing subject of reflection and discourse with you. Of all still left to us of the “*μεροπες ανθρωποι*” of this age, none has a more living conviction—to none is it a more self-evident fact—that the belief in an Eternal Love as the foundation of the universe, is the source of all wisdom as of all true piety and godliness. With both of us, also, it is a fixed conviction that the highest conflicting questions of the day, and, in particular, the question whether the present condition of affairs is tending toward rejuvenescence, or decay and dissolution, can not receive any decision except in accordance with those eternal laws by which the universe is ruled. And what these laws are can not be a matter of dispute among those who, in the

“ And now your last and loudest shout,
 And let your prayer to Heaven arise !
 Our truth shall ne'er be stained with doubt
 Where'er this banner o'er us flies !
 And when it tries in deed once more
 The Prussian eagle's glorious flight,
 Our veteran's motto, as of yore,
 Is ' death or victory ' in the fight ! ”—*Tr.*

light of this faith, have studied the course of human events with Moses and the prophets, with Solon and Herodotus.

We may, perhaps, sum up these laws most simply in the following manner. Every human institution perishes in one of two ways. In the first place, when the special principle of life embodied in it dies out because it has run its course, and some higher development is demanded by the order of God's providence; but it perishes too when its representatives transgress the limits appointed to man, which circumstance, indeed, often coincides with that former inward decay. *Quem Deus vult perdere, prius dementat*, says a wise old proverb; and the homely German saying, *Pride comes before a fall*, utters the mystery of ancient tragedy.

For every thing human is subject to conditions. Nay, divine truth itself, when applied to definitive human relations, is only true under conditions, and within the limits they draw around it; but man, by reason of his egotism, is ever striving to get free of all conditions.

The first sort of death may be compared to the natural death of an individual; the second, to suicide, and, in general, to madness. It is this second, self-incurred doom which is the source of the tragic element in history, and which constitutes the magic power of the poetic creations of Eschylus and Sophocles, of Shakspeare and Goethe. Even the greatest and most glorious human energy and might are forfeit to fate as conditioned, and go to destruction, when they try to become absolute, and as such think and act. Thus the instinctive striving after unconditional expansion has its source not in the God-appointed destiny of humanity in itself, but in the blindness of the selfish element in our nature, which desires to make the *Me* into the center of all things.

The moral order of the world, on the contrary, demands of each man and of each human institution, that this *Self-Seeking* should be conquered, and freely subordinate itself to the Divine Whole. Hence arises a conflict which touches the moving springs of the world's history. For, inasmuch as the natural *Self* makes its own specific existence a center, it foolishly attempts to make that into an ultimate end, which has its true existence only in its conformity with the collective arrangements of the universe. Thus, every power that makes itself its own end necessarily works, so far as in it lies, for its contrary; anarchy for despotism—unbridled license for servitude; while in so far as the moral energy of men and nations overcomes evil in its double aspect, is the divine order of the world, and God himself made known.

This principle is no matter of dispute in our nation, or in Christendom at large; nay, all men who are in their senses assume it, although they express it variously, and often confuse and deceive themselves with regard to it. Even in its application to persons and circumstances that have long since passed away, the judgment of thoughtful and well-informed men is seldom fundamentally at variance. But the dispute is concerning its application to ourselves, and to the circumstances with which we stand in immediate contact. Here our sense of right is sadly apt to be confused by the tendency to self-seeking inherent in our very existence; whether the egotism that relates to our own personal existence, which is strong, or the egotism of party or nation, which is often still stronger and more reckless.

And yet the possibility of any mutual understanding between opposing parties, or any adjustment of the conflicts of the present, lies in the mutual recognition of the claims of others, and the voluntary limitation of our own.

Now, it has always appeared to me the surest method of arriving at such an understanding and reconciliation, to start with a conscious and practical acknowledgment of the principle we have laid down, and then to go on to exhibit it as mirrored in something objective. This, however, we can effect neither by a course of abstract demonstration, nor yet by adducing single historical examples; but only by contemplating the wide page of the world's history spread before us, whose center is the Bible, and, above all, the Gospel. He who, in its light, can rise to a comprehensive survey of universal history, attains, in proportion to his mental requirements, a height from which he can look down in freedom on the contests and struggles of the actual world. This is the only sort of prophecy to which our age has a clear vocation.

Does it not necessarily follow hence, my dear friend, that we can succeed in reading the signs of the times in an actual given case, only by adopting this method, but then may perhaps also hope to persuade others to follow in the same path, in order to reach the same insight into the true laws and actual condition of our world.

We must address ourselves to the present, and the pressing questions of our own day. We must endeavor to penetrate into the heart of reality. We must fix a steady gaze upon those signs of the times in our own heavens which now challenge us to read them. And we must look at them from our own horizon, that is to say, as referring them always to the true, namely, the divine, center of all things. And I believe that I may especially hope for your concurrence, when I propose to you to abstain for this time from all mere politics of the day, and all confessional theology. Doubtless every significant portent of the times must have a bearing on our

political circumstances, both those of our German fatherland and those of Europe at large, which are so closely interwoven with each other. Certainly, too, they can not be without effect on the theological systems in accordance with which Christendom has desired, or been forced, to mold or bind her communities for the last fifteen hundred years. But just at the present moment, and with the phenomena which we are discussing—some of which, indeed, we shall perhaps have been the first to exhibit in their full proportions—there is clearly an imminent risk of dropping from the serene sky of contemplation into the dark clouds of political and religious passions, and instead of attaining to light and peace, rather augmenting perplexity and strife. Therefore no politics and no theology in these pages, and still less learned controversies or acerbities! Of course we must call things by their true names, and that can not please every body. Further, truth requires that we should not conceal righteous indignation, but only keep it within bounds, by remembering that the triumph of falsehood and baseness can be but short, and that pride comes before a fall. And least of all, I think, ought it to be difficult to us to hold bitterness and passion afar from our meditations where we find the like in our opponents. We preach toleration; what a contradiction if we should be intolerant! No, we will be tolerant toward the intolerant, and intolerant only toward intolerance. Motives of personal ill-will have, thank God, always lain far enough from either of us. Indeed we are not concerned with the ever-changing actors in the scene, nor yet with the religious and political convictions or systems which now divide the world. We recognize them all as Christian, and as having a right to be there, in so far as they obtain credence. Nay, on the domain

of theology, we are ready to concede to the theologians who wish it, that according to their system, they are in the right: though, however, we know no theological system among Christians, which in itself would necessarily lead to intolerance and persecution so long as it remained within its own ground.

Of the two eminent men against whose doctrine I shall have to express myself most strongly, one is entirely unknown to me personally, and I have a sincere respect for his private character, as, it is needless to say, I have for his office. But with the other I have been for many years on terms of friendship, and I have never doubted of the honesty of his religious zeal, even when it appeared with a new ingredient which was to me unintelligible. And if I should sometimes exchange the straightforward German mode of speech toward them with that which in Socrates is called the ironical tone, this is but the softened expression of a deep-seated indignation in behalf of our cause, and justified by my sincere belief that my opponent is as much in earnest as myself in seeking for objective truth. And verily each shall find me ever sincerely ready to learn the truth from him.

Let me, therefore, relate to you, briefly and explicitly, how I have come to feel myself called on to enter into this discussion.

When on my return to my German fatherland in the summer of last year, I began to compare what I saw there in traversing its various districts, with the result of similar observations and studies during my fourteen years' residence in England, two phenomena immediately arrested my attention as universal and significant characteristics of the age. *I refer to the spontaneous and*

powerful development of the spirit of association, and the evident increase of the power of the clergy or hierarchy. I had long since fixed my eye on both these facts, and endeavored to understand their workings, particularly in England.

The *spirit of association*, to speak of that first, is of native and not recent growth in England; and among the modern monuments and public works of London, or indeed of the British empire at large, there is scarcely one that is striking or of any magnitude but what has its root in this principle. The British empire in India, the greatest in the world, has grown up in less than a century from a company of traders and capitalists. The great American republic had its origin for the most part in voluntary Churches and other English associations, and a future Canadian Union, which already looms on the horizon, will also take its place in the world's history by the strength of this same spirit. What but the spirit of association has called into existence, within the last twenty years, the gigantic railway structures, which throw into the shade the collective results of all that princes and states had ever been able to accomplish in the way of roads and canals, and whose erection has required more capital than the revenues of all the states in the world amount to? And what has given England, in the same space of time, more new churches and chapels, and congregations of all Christian sects, than governments and hierarchies have founded during the whole course of the last four hundred years, but this same principle?

Is, then, this spirit of association a product of the most recent times, a child of this century, or, at most, of the last eighty years? Is it an offshoot of modern industrial activity, or is it, too, a conquest of the philos-

ophy of the last century, and of so-called modern civilization? England proves the contrary. Here we see, so early as the seventeenth century, the formation of voluntary congregations, which, under the name of Independents, develop themselves, as did Christianity itself once, beneath the persecution of two hostile State Churches. From these communities proceeded the modern Baptists, whom even learned German theologians still to this day affect to confound with the Munster Anabaptists. As regards their form of government, they are, as every one knows, Independents who perform the rite of baptism, like the primitive Christians, by immersion; and only administer the rite to such as make a profession of personal faith in Christ as the Redeemer, and publicly pledge themselves to live accordingly. The Baptists also arose amid persecution as voluntary congregations of believers, and not only gained a footing in England and Scotland, but formed in the United States many thousand congregations, mostly from among the Independents. The congregations are independent of each other; but, like the Congregationalists, have formed voluntary unions; and in the United States now number more than five million Christians, white and black. The vitality of these congregational Churches is evinced by their missions; for the Baptists and Independents have been the first who have converted whole tribes, and raised them into fitness for civil life; while the Jesuit missions of Paraguay only trained a people perfectly incapable of self-government, and unable to walk, except in leading-strings. For example we may point to the Independents in Tahiti, whom the French missionaries are trying to counteract by means of bayonets and brandy: or to the Baptists in the Sandwich Islands, where the State founded by the

Mission forms a self-existent Church which sends out its missionaries into the Oceanic Isles. All this has been done in sixty years. During this period, nay, for the space of two hundred and fifty years, the State Churches of England and Scotland have exhibited but little capability of propagating themselves; the German and Dutch Reformed Churches, still less; and the Lutheran Church, none at all. To the same principle we must assign the voluntary associations for Pastoral Aid and Scripture Readers, and the Mission for the City of London, as well as all the associations for missionary labor at home and abroad, and also the Bible Societies.

The whole of these have sprung up within the last sixty years; and now they send forth many thousand evangelists and apostles over the face of the whole earth, and educate as many more from among their converts belonging to the most dissimilar races of Asia, Africa, and America, to become a parent-stock for future races and peoples. The youngest of these voluntary associations, which we have seen shooting up before our eyes during the last few years by the side of a highly respectable, though somewhat torpid, national Church, I mean that of the Free Church of Scotland, has, in only ten years, outstripped the activity of all the State Churches in the world.

But, perhaps, this spirit of voluntary association is the exclusive property of the Anglo-Saxon race? This is decisively contradicted by the activity of the associations which I have had the opportunity of observing within the last twelve months in Germany and France. In spite of the wounds which socialism and communism have inflicted on civil society, in spite of great disorganization and disheartening isolation, lastly, in spite of the manifold restrictions to which all associations have been

subjected since 1851, I have everywhere found them springing up and flourishing. I found them not only on the field of industrial activity, but also in still greater number on that of public and religious objects. Associations for the relief of the poor or the sick, young men's associations, operative associations, were everywhere in full and successful operation, notwithstanding the scantiness of their funds, and the unfavorableness of the times in which they had originated. One of the youngest of these associations, the Gustavus Adolphus Society for the aid of poor Protestant congregations, more especially those, too often oppressed, which may be scattered among Catholic populations, proves the universality and strength of this spirit of co-operation, when we remember, that in a few very unfavorable and bad years, half a million dollars have been collected by this society and expended with great conscientiousness.

If now we take a general survey of these religious associations as a group of phenomena, we find that they have all proceeded from one or the other of two opposite tendencies. None of them have been associations in connection with the Government. Most of them are voluntary associations of Protestant laymen: in England and Scotland all are so; in Germany, by far the greater number, and the most active. On the other side, we find Catholic associations existing from the time of Charles X., in France, but scarcely anywhere else until 1834; since which time a good many have sprung up in Germany. They have been founded for various good works, mostly of charity, or the furtherance of ecclesiastical objects, such as the diffusion of religious books (not, however, of the Scriptures). To this class belong the Pius Society, the Borromæus Society, to which is now added, the Boniface Society; but, above all, the Lyons

Society for the Propagation of Christianity. These Catholic associations are, in general, distinguished from the Protestant by one striking feature—the activity of the laity is confined to the raising of the funds; while the Protestant associations, for the most part, have been founded by laymen, and are managed by committees, the majority of whose members are also laymen. In full accordance with the laws and usages of the ancient Christian communities, all their organic laws are passed in public meetings, and publicity is their principle of life. The Propaganda of Lyons does, indeed, publish brief annual reports, but there the matter rests. How deeply, on the contrary, have the Protestant missions interpenetrated the whole life of the Churches! They not only raise annually nearly thirty million dollars, but also bring together millions of human beings. Compared to these, what is the recent proposal of a union of forty thousand priests in Germany with forty thousand dollars? Over the face of almost the whole earth, weekly missionary meetings are held, in which, as in the assemblies of the primitive Christians, communications are made concerning the faith, the doings, and the sufferings of the brethren; hymns are sung, and often a stirring address delivered. The original impulse, therefore, toward the formation of these institutions came from the Protestants, and has sprung from the sentiment of the *oneness* of that Church whose many members are scattered abroad over the whole earth, but which speaks one language, just because every nation speaks in her own tongue. The Jesuits have sought to avail themselves of this sentiment by remodeling their old affiliation-system in accordance with it. Thus, on the one hand, we have congregations, with their preachers and the Bible: on the other, Jesuit guilds of clerical educators, furnished with pecuniary

means by the laity, with ecclesiastical books of devotion, and forms of prayer.

So much, for the present, concerning my first critical sign of the times.

But equally conspicuous, both on the Continent and in England, is the second sign I mentioned: I mean the *rising power of the clergy as a governing caste or hierarchy, and especially, though by no means exclusively, of the Romish*. Here, too, the diversity of the whole national and political life has an obvious influence upon the complexion of the particular case: still the phenomenon remains essentially the same. No two things can be more unlike than English Puseyism and German Lutheranism. The first rests upon a firmly established episcopate, independent of the executive and the police, and reciprocally influences and is influenced by many national movements. But modern Lutheranism is the child of a consistorial church of officials. We find the Lutheran pastors from whom this hierarchical tendency emanates, with few exceptions, entirely uninfluenced either by the congregational elements for which Germany is indebted to the Reformed Church,* or by the outburst of new life throughout the Christian world during the last sixty years. To both these elements of

* The term Reformed Church is applied in Germany to those Churches which owe their origin to the Swiss School of Reformers. Though sometimes called Calvinistic, their dogmatic theology by no means always coincides with what we generally understand in England by that name; they differ from the Lutheran Church on some points of doctrine, such as the nature of the Sacraments, Predestination, etc., and in their form of church government, which is a free synodal form of Presbyterianism bearing some resemblance to the Church of Scotland, while the Lutheran has somewhat of the Episcopal element, though on the whole more Presbyterian than otherwise.—*Tr.*

life they are hostile, as derogating from the "dignity of the sacred office," or even infested with the pestilence of liberalism. But toward the peculiar scientific tendency of German thought, whether in philosophy or critical philology, to which they owe all the learning they possess, they assume an attitude of direct opposition, and insist on a theological system which is as far from the leading ideas embodied in the Protestant Confessions as from the spirit of that first and most genial of the Reformers, whose name they abuse. Far outstepping the views of the genial Steffens, nay, even of the more cautious Harless, they accuse their instructors, the great men of our universities, of holding aloof from congregational action, and of having sacrificed practical life to critical science; entirely forgetting that one main cause of the sickly state of our churches is precisely what those men have delivered us from. They reject the unimpeachable results of investigation as infidel, and stigmatize as godless that which has essentially proceeded from a deep moral and religious earnestness. Thus, so far as in them lies, they cut away the root of congregational life on the one hand, by the hierarchical pretensions of their "office," which issue in a Catholicizing idea of the Church; on the other by the servile bureaucratic spirit which they display wherever they encounter the element of free congregational activity. If they do not persecute with the sword, like their predecessors, it appears to be rather owing to want of power than of will. At all events, they show the will wherever they are able, as we shall soon have occasion to see.

But of all these hierarchical aspirations, I shall have so much to say hereafter, my respected friend, and the fact itself is so patent, that I may here dispense with entering further into detail. Enough has been said to

justify and explain my general assertion that the hierarchical element pervades the whole world. The pretensions to a divine right of the clerical office over conscience, and as far as may be over the whole mental culture of the human race, are everywhere the same; and the contrast presented by this phenomenon to the state of things at the commencement of the century, appeared to me, on a superficial survey, not only remarkable but incomprehensible.

What, then, I asked, is the origin of these phenomena? Surely it must lie deep in the whole historical development of the European mind. Else, how could they present themselves under such dissimilar conditions of the common national life at the same moment, and with results of such magnitude?

Is their cause to be sought in defects common to the various social conditions of the past? Or are they only the one-sided and passionate manifestation of a power of organic reconstruction in the future? Does the prominence of associative activity point to a future universal republic? Or to the all-embracing reign of democracy? Or to a universal empire, the downfall of constitutional monarchy, and the advent of a new race of Cæsars—an imperial government, with pretorians and delators under new names?

So, too, with our second sign of the times. Does the revival of the hierarchy point toward a restoration of the ecclesiastical forms of the sixteenth or seventeenth centuries? Or to the universal sovereignty of the Romish Church upon the ruins of Gallican and German privileges—of Anglicanism, as of the Churches of Luther and Calvin?

And then, what next, either in the West or the East of Europe?

But, not to stray from the solid footing of the present, we ask, first and before all things, is there any connection between these two phenomena, either in their reciprocal action or in their deepest roots? Or are they in diametrical opposition, and from their inmost essence inimical, so that he who would hold to the one must let go the other?

Perhaps, I thought to myself, we may gain some preliminary light on the matter, if we turn our eyes to two other signs of the times—*the ever-growing aspirations of the nations after freedom of conscience; and the ever-increasing manifestation of the desire of the clergy for the suppression of that freedom, and the persecution of those of a different persuasion.*

The striving after freedom of conscience appears in the history of the last few centuries, and especially of the last eighty years, as the type and condition of legal freedom in general; and always in proportion to the stage reached in the development of social and political relations. Just so was it at the first propagation of Christianity. The reconstruction of political society had its prototype in the Church, and proceeded from her. It would be easy to show in detail how and why freedom of conscience is really the condition of a secure possession and a right use of all other liberties. None arise without it, and from it all others flow, in a natural course of development. So in the first place it has been with the freedom of science. The story of Galileo is sufficient to show how nearly this trenches on that of religion. The history of the nations which have enjoyed freedom of conscience proves what a much happier use they have made of the liberty of scientific research which followed that of religion, than those nations to whom this first of all liberties was wanting, and who desired to be free

without conscience, and to possess rights without bearing in their own breasts the sense of duty. The same thing meets us still more visibly and significantly in the relations of political to religious liberty.

The cause of these phenomena it is, however, also not difficult to perceive. For, if all individual liberty can only bring forth wholesome fruits in so far as it is conscientiously regarded and exercised; if conscientiousness, and, therefore, true morality, can only exist where the holy of holies in the conscience—the faith in God, and the will to serve Him—is respected by the absence of every sort of constraint; then, surely, the right use of every other liberty must lie in this fundamental liberty.

And what is true of political liberty in general holds good, also, in particular, of the free expression of opinion, or what is called freedom of speech and of the press, and finally also of the right of free industrial association. In this last direction, we see zealous and active efforts to substitute freedom of industry for closed guilds, free trade for restrictive regulations. As in former cases, so in the present instance, the enemies of association predict the dissolution of the bonds of society, and the destruction of all existing social order. But in every sphere experience has proved the contrary, and the final reason is everywhere the same—that no developement of humanity is so grand as that which takes place where there is full security for the moral and legal freedom of the individual, as well as of society. In other words, the safeguard for popular liberties does not lie in ideas of the understanding, and the enlightenment based thereon, but in the groundwork of morality, and in moral culture. But these, as we have seen, rest on freedom of conscience, so far as that is understood and desired by the people. But who will deny that this is the desire of all Christian

nations, Protestant or Catholic—the aspiration which, from the days of the Reformation, we have seen gradually rising with purer and purer flame from the ashes of mediæval oppression and disorder?

Thus popular fanaticism, or whatever else we may call the misled religious sense of the nations, will not serve us to explain our second phenomenon—namely intolerance and persecution. Both are to be named together, for all religious persecution—except it be the mere mask of political violence—comes from intolerance, and all intolerance necessarily leads to persecution, so soon as there is any real religious earnestness in the individual. Religious persecution is of most ancient growth, as is also the aspiration toward religious freedom. But, as the multitude here and there believe—and as many are now wishing to make them believe—that the men of the French Revolution were the first to demand and establish freedom of conscience, namely, from unbelief, and on behalf of irreligion, so do many also think that the intolerant and persecuting spirit, which we hear them not only excuse but defend, nay, sometimes absolutely laud, as a proof of earnestness of faith—and still worse, which we see them in these days practice—is a phenomenon of the last few years, and the work of a few leading men. The phenomenon has been indigenous among us for the last thirty years: and for the last forty, a silent preparation for it has been evidently going on in men's minds. Does it proceed from the hierarchy, or from the governments, or from the peoples? It is, at first sight, certainly, the most perplexing riddle of this century.

Wherever a nation at large has striven for and conquered political freedom, it has never forgotten to lay down the principle of freedom of conscience, still less clamored for persecution. And though the Spaniards

would not accept the Napoleonic tolerance, which came to them in the train of craft and violence, and bore no impress of moral earnestness, yet even there the industrial masses have begun to perceive that the true Christian religion must be able to exist without inquisition, or sword, or dungeon, and that those must have understood little of its nature (not even excepting Donoso Cortes and Balmes) who maintain, and withal to God's glory, that this is not possible.

But who would have dreamt, at the beginning of this century, that, in the land which saw the judicial murder of Jean Calas, symptoms of religious hatred should manifest themselves immediately on the return of the Bourbons—that, coterminously with Le Maistre and De Bonald, a school would arise which should defend the massacre of St. Bartholemew, and apply to it those fearful words :

“Ce sang était-il donc si pur?”

—that, in 1823, Ferdinand VII. should only have been restrained with difficulty from re-establishing the inquisition in Spain—that, in 1832, the Protestant inhabitants of the Zillerthal, in Tyrol, after suffering many attacks and heavy oppressions, contrary to the law, should at last have been driven into exile as an act of mercy, as was the case in 1853 with the Madias in Florence? Yes, who would have believed that, under the scepter of the brother of the religious and liberal Alexander I., in the empire of Peter the Great, which, though despotic, was based on universal toleration, thousands of Protestants, and millions of the United Greek Church, would be forced over to the dominant and national Church by every evil art of treachery and violence, in provinces where this national Church of

Russia had never been the prevailing one, or never existed at all before?

Nay, even among Protestants rages this demon of persecution. The Estates of that Swedish nation which two centuries ago combated with such heroism and faith for the religious freedom of their Protestant brethren in Germany, have passed in the preceding year, an exceedingly intolerant law, ordaining the persecution of evangelical associations, and the banishment of natives who go over to the Romish Church. After long hesitation, the king has set his seal to this cruel decree; while in pious Norway, perfect freedom of religion prevails.*

And look at Germany! Not only in Mecklenburg, which has fallen a prey to measureless political retrogression, but even in other German countries, a vehement and bitter persecution has been set on foot against the Baptist congregations, which had begun to form themselves under the shelter of a short interval of religious freedom.† Nay, what is still more astounding,

* In Sweden, not only persons who have dissented from the Established Church, but numbers of its members, have been subjected to fines and imprisonments under the Conventicle Law, which prohibits all meetings for religious worship held apart from the Lutheran Church. In the last Diet a law was passed which makes it highly criminal to administer or receive the Lord's Supper, except as connected with the hierarchy. At the present time Baptist pastors labor under sentence of perpetual expatriation. The laws of Sweden, moreover, banish Roman Catholics, and absolutely prohibit their worship. (See "Evangelical Christendom" for July and August, 1855, and Jan. 1856.)—*Tr.*

† In almost all the States of Germany, persons dissenting from the Established Churches have been prohibited from meeting to worship God in the way which their consciences approve, from observing the sacraments, and from every public act of a religious nature. There are cases in which these laws have been so strictly enforced that persons have been accused of holding a

even among freethinking Christian men in Germany, principles have been enunciated in opposition to religious freedom which were more appropriate to the seventeenth than to the nineteenth century.* Nay, even the leaders of liberal political parties among us make a boast of their exclusiveness as regards the Jews. Whence arises this lagging behind of the Germans in the march of humanity?

The spirit of persecution is not, therefore, to be considered as the isolated endeavor of fanatical or ambitious

religious meeting, because one person, not a member of the family, has been found reading a religious book. In Mecklenburg, in Schaumburg-Lippe, in Hesse-Cassel, and in other parts of Germany, persons offending against such laws have been visited with heavy and ruinous fines, with the confiscation of their property, and with imprisonment on bread and water, as though they were felons; and many have left their native country, under the severe necessity of a compulsory expatriation. In some cases the marriage rite, which is legal only when solemnized in the Established Churches, has been refused on the score that the parties had not received the Sacrament, they having been refused the Sacrament for having attended conventicle meetings; and persons have for years remained single in consequence. In one case where the parties, having endeavored in vain for three years to get any clergyman to marry them, had resolved to undertake the long journey to England, to be married there, passports were refused them on the object of their journey being discovered. An idea of the views on this subject held even by a large proportion of the Prussian clergy, may be formed from the Appendix to Letter IX. For further details, I beg to refer my readers to "Evangelical Christendom," for February, May, October, and November, 1855, and to a most instructive pamphlet, entitled "Protestant Persecutions in Switzerland and Germany," by the Rev. T. R. Brooke, and the Rev. E. Steane, published by Partridge, Oakey and Co., 1854.—*Tr.*

* See the correspondence of M. Von Bethmann-Hollweg and Count Pourtales, with M. Merle d'Aubigné, as given in "Evangelical Christendom," vol. viii., p. 236, vol. ix., pp. 49, 233.—*Tr.*

individuals, but has roots in our social conditions. Neither can it be designated as the tendency of a single church or a single nation. Is it the offspring of the recruited power of the hierarchy? or is it the consequence of the general direction taken by religious thought on ecclesiastical questions, or a direct effect of retrograde absolutism? or has it yet deeper grounds in the sense of the inward unsoundness of the existing ecclesiastical and political organizations?

Here you have, then, my dear friend, a cursory indication of the thoughts and considerations which filled my head and heart when I, last summer, after so long an absence, had at last the happiness of taking up my abode once more in my German fatherland. Shall I tell you now what strange feelings have possessed me during the last fourteen days in connection with these topics?

As I was reviewing mentally all these striking and grave phenomena, and seeking to link them in with the results of my former observation and experience, there resounded in my ears, from the neighboring cities of Fulda and Mayence, the summons to the celebration of the eleventh centenary of the martyrdom of St. Boniface. The Anglo-Saxon, Winfrid, is almost universally styled the Apostle of Germany, and his name can hardly be unfamiliar to any cultivated German. Thus, when I learned that Baron Ketteler, the Bishop of Mayence, and successor of that apostle, had invited his flock to celebrate that festival by a Pastoral, and taken this opportunity to address himself solemnly, like a second Boniface, to the conscience of all Germany, I thought to myself, What a blessing that I am now in Germany! I shall now have part in all that my nation experiences; and since this bishop is a man of such exalted and ascetic

piety, it is a further happiness to live, as I do, in his immediate neighborhood. Who would not gladly open his ears to the latest utterances of the Catholic Church, from a prelate whom many regard as a saint—all as a man of extraordinary force of mind; and who must necessarily, from his station, have a profound acquaintance with the subject on which he is about to instruct us? this dignitary of the Christian Church (thought I), in speaking of the Apostle of the Germans, will surely not forget the German people. Yea, in a thankful sense of the honor and happiness of belonging to so great a nation, he will speak of it with reverent affection, and in the presence of the dangers threatening us from East or West, feel, more deeply than ever, the duty and desirableness of exhorting all Germans to mutual love, and the averting of every foreign influence. In this respect, he will, doubtless, not wish to remain behind his great pattern, the learned and intellectual Cardinal Wiseman, who, with all his zeal for his Church, ever speaks of the English nation, not only with respect, but with warm affection and enthusiastic admiration; although the Reformation has penetrated into the very flesh and blood of the English so much more than it has among the Germans. Thus, if Bishop Ketteler should rank his saint and predecessor higher than we Protestants can do, we will not take it amiss of him.

With these thoughts, I procured the Bishop's Pastoral and other writings, and have been reading them during the last few weeks with all attention. And now what shall I say of them, my respected friend? At all events, the truth. Then I must tell you at the outset that I have indeed found this Pastoral highly important and deserving of attention: but with equal candor I must confess it, in a sense by no means cheering or satisfactory.

Just at the same time, within the last few weeks, I heard with profound surprise, through the most trustworthy channels, of the sufferings of two brethren in the faith, who had been cast into prison on account of their religion. Alas! thought I, this harmonizes but ill with the festival of St. Boniface, in which I felt so much inclined to take a part. O that one of the watchmen of Zion would now step forth! O, that one of those eminent and eloquent men, who stand as the pillars of the Protestant Church, would now speak out in behalf of the imperiled liberty of conscience of their brethren; above all, one of the men whom the leading Protestant Church of the Continent has intrusted with the task of building up the Union, and training our national Church to independence and self-government! Now would be the moment to expose the immorality and unreasonableness of all religious oppression, especially when directed against fellow Christians; and who has so clear a calling to the work as one of those leading men? We should one and all thank them, if they, with that Protestant and apostolic plainness of speech, and philosophic clearness of thought which they possess, proclaimed before all rulers and nations our detestation of such atrocities; and at the same time, pointed out the unseen blessings, both for State and Church, which lie hidden in the bosom of perfect religious liberty. And lo! on the twenty-ninth of May what should I find on my study-table but a copy of Professor Stahl's oration, already in print, bearing the very title of a "Discourse on Christian Toleration."*

* Dr. Stahl, the author of Handbooks on "Ecclesiastical Law," and "The Philosophy of Law and the State," was called to Berlin as Professor of Ecclesiastical Law, in 1840. He has, since then, been made Privy Councillor of Justice, and Crown-Syndic in the Upper House; and in 1852 was appointed a Member of the

I was amazed at the discovery that a man so celebrated had delivered this discourse so long ago as the twenty-ninth of March, in Berlin, before the court and a numerous and brilliant assembly, at the request of a Society, which is entitled, *par excellence*, the "Protestant." So what I was wishing (said I to myself) has really come to pass, and I have been left in ignorance of it for the last two months, only because I neglect to read the "*Evangelische Kirchenzeitung*"* regularly, and none of my Christian friends has drawn my attention to so important an event. But when with eager curiosity I came to read the pamphlet, I knew not what to think of myself or of the great political orator and party-leader who had written it. Either I had entirely unlearned in England the meaning of tolerance and religious liberty, and what in Prussia bears the name of Protestantism and the Union—and, if so, at my advanced age there was little hope of making up my lost ground, and I saw myself doomed to pay this heavy penalty for my absence from Germany, and especially from Berlin, and to die at last, if not in cheerless unbelief, yet in distressing and shameful ignorance—or I must come to the scarcely less painful conclusion, that one of the first political and ecclesiastical jurists of Germany, a celebrated philosophical writer, an admired orator, a member not only of the Upper House but also of the Supreme Ecclesiastical Council, a leader of the *Kirchentag*—finally, a man of grave and Christian conversation, from whom I myself had formerly expected much service, both in Church

Supreme Ecclesiastical Council. He formerly advocated moderate views, both in religion and politics; but, in 1850, joined the extreme reactionary party, headed by Gerlach, of which he is now one of the most prominent members.—*Tr.*

* Protestant Church Gazette.—*Tr.*

and State—had totally forgotten the history of Protestantism and the mission of all Protestants, himself included, in the present and the future! For I could not conceal from myself, that if the principles of toleration and freedom of conscience preached by him were sound, no logical possibility would be left us of denouncing the persecutors of our brethren, or of stigmatizing their acts as intolerant and persecuting.

The proofs of my assertion I will not fail to present to you, in so far as they are called for by the great problem which I propose to myself, namely, to inquire into the true theory of liberty of conscience in the case of the individual, and the rights of the congregation in the sphere of the Church; and, in particular, whether such liberty and rights are really things so mischievous and irrational as is now preached to us with so much zeal for our conversion, and anxiety for the safety of our souls.

Here you have, in general terms, the impression made upon me by the perusal of the two addresses to which I have referred. The Pastoral of the Bishop seemed to me, in every respect portentous; the lecture of the Berlin Ecclesiastical-Councillor seemed to me rather to deserve the title of a discourse on Lutheran Intolerance, than on Christian Toleration. Thus you will see, too, my respected friend, in what perplexity, or rather in what anguish of heart, I turned to you in spirit, and resolved to ask you to discuss with me these matters of such general and weighty interest on occasion of the approaching commemoration.

Let an earnest consideration of these two signs of the times be our German, Christian, and human mode of keeping this feast. Boniface shall be our starting-point; universal history, our guide: the discovery of a clew

whereby we may disentangle the perplexities presented by our existing social conditions, our aim. Every great festival must have its eve of preparation; and so I invite you, on the eve of the great festival on the fourth of this month, to try what preparation we can find in Bishop Ketteler's Pastoral appropriate to a worthy celebration of the remarkable event which it commemorates.

LETTER II.

THE EVE OF THE FESTIVAL OF ST. WINFRID—BISHOP
KETTELER'S PASTORAL—THE GERMAN NATION AND
THE ANGLO-SAXONS.

CHARLOTTENBERG, June 4th, 1855.
Eve of the Feast of St. Boniface.

MY RESPECTED FRIEND :

The eve of the Jubilee has arrived. As it befits the season, we will observe it with a brief meditation.

Our text shall be that letter written immediately after his return from the grave of our Apostle, by which Baron Ketteler has announced the eleventh centenary festival of the death of his great predecessor, and invited the faithful of his flock to its celebration.

It lies before me under the following title: "A Pastoral Letter from the most reverend Lord, Wilhelm Emanuel, Bishop of the Holy See of Mayence, to the clergy and believers of his diocese, on occasion of the eleventh Centenary of the holy Archbishop and Martyr, St. Boniface." This pastoral letter has been since published as a pamphlet at Mayence, whence it has been widely circulated in this part of the country. By this solemn inscription, the Lord Bishop has, therefore, entered the domain of publicity; and it is our right, not to say our duty, to examine and judge this address like any other literary production. The Bishop commences his announcement of the festival with a brief account of

the wonders wrought by our Apostle, to whom God (as he says) did not make known his calling immediately by an inward revelation, but by the visible head of the Church, the Pope.

“Now” (continues the Bishop), “by the fact that the personal dignity of St. Boniface was transferred to this chair by the elevation of the see of Mayence to the primacy over Germany, a provision was made for the permanence of this unity, and the Germans were henceforward duly prepared for the fulfillment of the exalted task which God had assigned to them in the history of the world.” Starting from this position, he proceeds to carry out the idea, that without the influence exercised and the institutions founded by St. Boniface, the Carlovingian dynasty “would never have risen to the idea of a Christian polity and international relations;” nay, that without him, there could have been no German nation, probably not even a common German language. Then, however, the Bishop continues, and here I must give his own words entire :

“When, therefore, at a later period, this spiritual foundation was broken up, and the spiritual bond was rent asunder with which St. Boniface had bound the German tribes together, there was an end of German unity and the greatness of the German nation. As the Jewish nation lost its vocation upon earth when it crucified the Messiah, so did the German nation forfeit its high vocation in the Kingdom of God, when it broke the unity of faith which had been established by St. Boniface.

“Since then, Germany has done little but help to destroy the Kingdom of Christ upon earth, and to set up a heathen view of the world. Since then, with the old faith, the old loyalty has disappeared more and more, and not all the bolts and locks, nor prisons and houses of correction, nor police and sentinels, in the world, avail to supply the place of conscience. Since then, Germans have been ever diverging more widely from each other in heart and thought, and we are now, perhaps, in the very midst

of a chain of events which is paving the way for the disappearance of the German people as a single nation, and building up a wall between our various members, as solid as those which already divide us from other peoples of German race. Since then, those branches suffer also which have remained on the old stem; for when a great branch is broken off from a mighty tree, the whole tree begins to sicken, and it is long ere it regains its former vigor and the old branch is replaced by a new one. This is the source of much delusion. Men reproach the Catholic Church with the many sins of her members, with the many lamentable things which occur even in Catholic countries, without reflecting that they are for the most part the consequences of that unhappy schism. The nobler the member, the deeper is the injury inflicted on the body when it begins to refuse its services. The higher the original vocation of the German people in the development of the Christian order of the world, the deeper and more permanent must have been the shock to that organization, when that member refused its office, and the longer must it last before a new branch can replace the fallen limb, and fulfill the mission which the German nation has cast aside."

Truly these are weighty words; and, spoken on so solemn an occasion by a man of such personal eminence, and one of the most influential of German prelates, they claim a doubly serious consideration at our hands.

The German nation is accused of having forfeited its vocation in the Kingdom of Christ by the Reformation, as the Jews lost their vocation as the chosen people of God by their crucifixion of the Messiah. As a palpable proof that this reading of history is that of a true prophet, called to proclaim God's voice and His eternal judgments in the events of His providence, three assertions are made. First, that since that epoch, Germany has almost exclusively exercised a destructive influence in the world of thought, and been the parent of a heathen view of the world. Secondly, that there has been a decay of the old German loyalty, nay, of conscience itself, which no civil penalties or correctional institutions

can replace. As the former assertion is the prophetic interpretation of history, so is the latter the prophetic reading of the present. But the prediction of the future, likewise, is not wanting. The Reformation is destined to bring about the annihilation of the German nationality, and the various races which were united in such close spiritual bonds by Boniface and the Carlovingsians, and which still possess a common language and culture, will soon be as far divided from each other as they are now from Switzerland and Holland, or even from the British Anglo-Saxons. Nor is this enough. Through this crucifixion of Christ afresh in his Church, the German nation is responsible for the undeniable decay and corruption of the nations which have remained in the Catholic unity. If a thousand voices in Italy and Spain rise to heaven in lamentation over the wretched state of these once so flourishing lands, these once so powerful nations; if thousands on both sides of the Pyrenees are sighing over the corruption of religion and morality; if (according to the latest official reports, which are now filling all Europe with horror) the prisons of the Papal States are crowded with men guilty of the most horrible and loathsome crimes, to an extent hitherto unparalleled among Christians or Turks (twenty-one parricides among others): on whom does the guilt rest but on ourselves, the German nation? The unfortunate peoples and governments are suffering from the consequence of our godless deeds committed three hundred years ago!

Ought we, my respected friend, to keep silence under such unheard-of accusations? Boniface belongs already to the history of the world, and every German especially has the right to see that full justice be rendered to that remarkable man and his works. But our national honor is a holy thing, to contend for which, as far as truth

permits, appears a sacred duty. And now such an accusation! on such an occasion! in such an emergency in the affairs of our fatherland and of the world!

The future belongs to God; but conscience interprets the signs of the times, and, above all, truth-seeking humanity pronounces a final verdict. But for a conscientious inquirer there can be no safer course than to contemplate the phenomena around him in the mirror of history, and meditate on them in the light of the Gospel. And so doing, I believe we can point the Bishop who prophesies such evil and, according to my conviction, untrue things, to a very different picture within the very tribe with which Boniface was more immediately connected, the reality of which will be evident to all the world. But the whole of Germany offers to our view only one portion, if no insignificant one, of the great destinies that are being evolved around us. The reigning powers of the whole civilized world form one family, the much-divided household of Christ, whose members occupy very different stations in the great highway of human progress, but who have all set out from the same point and advance toward the same end, although they have traveled and still travel by different paths. The lessons taught by the varied fortunes of the European races in the aggregate, on both sides of the Atlantic, will surely also be applicable to ourselves. We will, therefore, as soon as this festival is over, try to rise to the wider point of view offered by general history, whence we may gain a freer survey. And, in so doing, we will seek, as far as possible, to avoid opening afresh the yet bleeding wounds of our fatherland, and rather look abroad or to ages long past when we have to characterize and prognosticate evils and dangers.

We can not, however, suffer those unexampled words

of the prelate to pass without comment. They are, indeed, directed in the first instance to the believers of his diocese, and if he chooses to treat them as such godless persons, we can not deny him the right to do so. We should certainly regret it deeply, but should neither feel it our duty nor our business to stand between the shepherd and his flock. But it is clear that it is not the Roman Catholic inhabitants of this diocese nor our Catholic brethren in general, on whom the Bishop intends his awful invectives to fall. They are evidently regarded by him as sufferers under the fresh crucifixion of the Messiah, committed by their Protestant fellow-countrymen. His hard words are, therefore, as regards the guilt of the transaction exclusively, as regards the punishment chiefly, directed against us Protestants; only the Bishop, being a mild and courteous man, did not wish to say the naked truth so directly in our faces. God can not possibly punish an innocent posterity still more severely for our sakes than the sinners and criminals themselves—for that would be contrary to all justice, human and divine. Our interpretation of his meaning must, therefore, be the correct one.

Now there are, probably, few, even among the clergy of the reverend prelate, who seriously think the German nation a depraved one, and its views of the world unchristian and godless, compared to those which prevail in France, Spain, and Italy, or believe that its influence in the world, since 1517, has been purely anti-Christian. We will, therefore, attribute its full share to the rhetorical force of his language, and the excitement of the great clerical festival which the Bishop had just been attending in Rome. His language is strong, but let it pass as an episcopal *façon de parler!* But when the prelate says, in so many words, that the German nation

has lost its conscience, we are compelled, by our conscience, which commands us above all things to speak the truth, to tell him with Christian freedom, that we deeply lament, for his own sake, that he should have made such an assertion. It seems to us more worthy of an ignorant feudalist, or an arrogant priest, than of a man so highly cultivated, still less of a Christian bishop. Nay, it reminds us but too strongly of those words of our Lord, exhorting his hearers to beware of the sin against the Holy Ghost, which could not be forgiven (Matt. xii. 31, 32), for us to dwell on it without a shudder. We can only hope that the Bishop did not know what he was saying.

He who denies all conscience to his own nation, to which he owes his birth and mental culture, excommunicates her from all participation in the Spirit of God, in so far as she does not think as he does on Church matters. And can such an act be committed by a German prelate, casting his eye over three centuries, at the celebration of a German festival, on the eve of a great assembly of bishops? Now within these three centuries (at least according to the judgment of those who have not left their consciences and their eyes under the cupola of St. Peter's, in the crypt of the Apostles), German intellect, German integrity, German loyalty, and German thought, have more than once enlightened and saved the world. Did not the Bishop then feel a shudder when he denied conscience and honor to this his nation, his home, his mother; when he joined the epithet, murderer of the Messiah, to her name, forgetting that there existed yet a Messiah to kill—the body of Christ in the world, his Church, and the conscience of its living members? This Messiah truly, as did once that divine Person, wanders over the earth in the form

of a servant; and nowhere more so than in our distracted fatherland.

But just because no one can blaspheme the Spirit in humanity without blaspheming or denying God himself, are we bound to speak of the children of our common mother with affection, and of herself with reverence; and we repeat it, above all, of such a mother and such a people, and in such a conjuncture of our fatherland and the world!

Gladly would we find an apology for the Bishop that should mitigate our censure and our sorrow, in his patriotic anxiety regarding our future with reference to the position of foreign countries; but this we are honestly unable to do, and therefore must not attempt it. For only too soon the course of our observations will lead us to a very remarkable and purely politico-juristic production of the same prelate, in which he expressly calls upon the two powerful neighbors of Germany, France and Russia, to interfere in our ecclesiastical disputes—namely, as guaranties of the Peace of Westphalia in 1648, and of the Final Resolution of the Committee of the Diet in 1803. We will, therefore, leave the Baron to defend his honor; the Bishop, his conscience; and the Patriot, his German sentiments—I do not know if I may add—the Subject, his oath of allegiance—for it is said that he has never taken it—and seek for a more consolatory, and, please God, a more worthy and Christian preparation for our festival than the Bishop's letter affords, while we return to the free air of Providence and history, and trace the fortunes of the race from which Winfrid sprang.

Now if we take a comprehensive survey of the development of the human mind and Christian nations during the last eleven centuries, the fact instantly arrests our

eye, that the Anglo-Saxon race is that which has exhibited the greatest amount of creative and constructive energy, and, moreover, in a continually increasing ratio of importance to the history of the world at large. This was first exhibited by the West Frisian branch in the free states of Holland; and if at first their own institutions displayed some remnants of the spirit of religious intolerance, forgetting that they had revolted and combated against the intolerance of Spain, this blot was gradually effaced under the influence of the essential principles of liberty, so that we see them already in the seventeenth century the first nation in Europe to proclaim and practice toleration as the principle of a Christian State. Thus did they worthily atone before God and man for their former violence, in which, however, they no doubt rather saw the averting of unjustifiable attempts on the part of foreigners to disturb their tranquillity, than a crime against religious toleration. But this atonement was first consecrated as a principle of universal authority by their noble brethren in England and America, who established it as a fundamental law that the State has no right or power to meddle with liberty of conscience, and thus uttered the most solemn acknowledgment that mutual toleration is the true and only valid proof of Christian faith before God and man.

Here we encounter some curious coincidences of time and races. The bloody deed of pagan intolerance whose anniversary we this day commemorate, belongs to the middle of the eighth century. Eight centuries later, it was the Anglo-Saxons of England who set bounds to the atrocious intolerance and persecutions of Spain; and it must be confessed that the intolerance of the Frisians was mere child's play compared to the Spanish methods of conversion, and the dark horrors of the Inquisition.

And without all question this Inquisition, with its racks and its scaffolds, had grown up out of the ecclesiastical system of Boniface. Long before the Grand Inquisitor, Torquemada, toward the end of the fifteenth century, brought the Holy Office into Spain, it had been employed from its seat in Rome against the Albigenses; and Pope Paul IV. celebrated the eight hundredth festival of St. Boniface with the universal introduction of that fearful tribunal. Was Germany in that age less God-fearing than Spain with its rigid exclusiveness, because, in 1555, she signed the Treaty of Religious Peace at Augsburg? Would this treaty itself have been more, or less, Christian, and rich in blessing, if it had conceded a larger measure of freedom? And is Spain, in the year 1855, more Christian, more moral, more happy than Germany, where, according to the expression of the Curia, "heresies rage unpunished?"

It was thirty-three years later, in the summer of 1588, that the English Anglo-Saxons saved the mental and political freedom of Europe, and the honor of Christendom, by repulsing from her shores the vaunted giant fleet of Spain, and rendering it possible for the hardly-pressed West Frisians victoriously to achieve their liberation from the Spanish yoke. Just one century after, in the year 1688, the same Anglo-Saxons raised the principle of religious liberty into a fundamental law of England, when they put an end to ecclesiastical domination by the expulsion of the Stuarts, who forgot their oaths and their national history.

It was a great prince of these same West Frisians who naturalized on English soil the religious freedom already successfully conquered by the Dutch. But already, during the contest with the Stuarts, English

heroes of the Spirit, themselves martyrs of religious intolerance, had, as Pilgrim Fathers and Apostles, laid the foundation of that mighty empire beyond the Atlantic which eighty years since, on the declaration of its independence, proclaimed the principle of religious liberty, no longer of mere toleration.

As regards Germany, I will not here inquire whether Protestant or Catholic Germany has gained more by the religious toleration demanded and asserted as a principle by the Reformers. All German hearts agree in this, that we have all suffered from intolerance; not only politically by the impeding of the free development of Germany, but also in religion. Of all nations, the Germans are those whom it will be the hardest to persuade, that the religious conviction of an individual, or a congregation, or a country, ought to be, or can be effectually, changed by force. This is an article of faith wherever a German heart beats. Nor will the Germans, with their inborn faith and humanity and providence, ever hear those thinkers and legislators, who in the last century labored for toleration and freedom of conscience, spoken lightly of without indignation, still less reviled as godless. Last of all will the German people acknowledge itself as deserving censure, or even punishment, because it honestly entertains sentiments of toleration; for it is by nature the most inwardly religious of all nations, and, therefore, the one which most reverences the voice of conscience in matters of belief. It is the German spirit which breathes in energetic Scandinavia, as in Holland and in Switzerland. It is this spirit which in the Romanic, Celtic, and Slavic populations and States, manifests itself as the element of progress and civilization; and never with mightier energy than since the great spiritual upheaving of the

sixteenth century, and nowhere with more of creative and conservative power than in the races which shared in that movement.

How should this spirit be utterly extinguished in its great home in Germany, notwithstanding all our political disadvantages and heavy calamities? But all the nations of the earth know, and say, the contrary.

The sorrowful and anxious question is only, how the successor of St. Boniface has arrived at so gloomy and untenable a view of the world, and grasps it with so firm a conviction, that he has felt himself impelled to seize this moment to hold up with such solemnity the distorted image reflected by his concave mirror, before the eyes of his nation and the world? Was there really no other mode of convincing us, or even his believing flock, of his apostolic faith and episcopal wisdom?

Perhaps we shall be assisted to an explanation of this phenomenon by the subject of our meditation on to-morrow's festival, namely, St. Boniface and his work. We will set his picture in the historical framework that it deserves—that is, endeavor duly to point out that great man's place in the history of the world; namely, between his forerunners, the earlier apostles of the Christian faith among the German tribes, and his episcopal successors. And this will lead us immediately to the men and the questions of the present day. What I have said is enough for the eve of the eleventh centenary festival.

LETTER III.

THE JUBILEE FESTIVAL—BONIFACE, HIS FORERUNNERS AND SUCCESSORS.

CHARLOTTENBERG, June 5th, 1855.

On the Festival of St. Boniface.

THIS day, then, my dear friend, is celebrated the centenary festival of the martyrdom of Winfrid, commonly called St. Boniface. Exactly eleven hundred years have elapsed since that day, immediately following the feast of Whitsuntide in the year A. D. 755, when the Frisians murdered the Anglo-Saxon missionary and legate of Rome on his entrance into their country. Scarcely can one of the former centenary festivals have been announced with such pomp of preparation, or in so brilliant an assemblage of prelates. The summons to its celebration rings through the whole land; a papal legate, several foreign bishops, and a large number of ecclesiastics, have met in Fulda and Mayence; solemn processions and a fortnight's festival are proclaimed, and tracts for the occasion are disseminated among the people.

The earnest observer of the affairs of the German nation, and of the present crisis in history, can not but be struck, while contemplating the labors and death of Boniface and this festival in his honor, by two trains of thought, both of world-wide significance. The subject of the one is the unchristian and inhuman nature of all

religious intolerance and persecution. The other will lead him to consider the pretensions of the Church ; or the claims of the hierarchy on the individual, the nation, the State, and mankind. And thus you see, dear friend, we find ourselves at once in the midst of those ages which we at first passed by, and yet no less in the immediate present.

The deed of the West Frisians was an outbreak of barbarism against intrusive foreigners ; but it was, nevertheless, a murder prompted by intolerance and religious hatred. Undoubtedly the Romish legate, and Archbishop of Mayence, entered upon his missionary travels with an unusually numerous and not unarmed suite : fifty-two persons are mentioned as having fallen with him, whom he had forbidden to defend him and themselves. Evidently there was in the country a powerful Christian party with which he stood in connection ; the same which shortly afterward took a bloody revenge for his death. It was the members of this party whom he was awaiting in the tents which he had erected at Dokkum, in Holland, on the river forming the boundary between East and West Friesland. On Trinity Sunday, the neophytes were to be confirmed, and accompany him into the country on the opposite bank. But up to this point, as far as we know, no act of violence had been committed in the country by him or his followers. His power and influence were certainly of a spiritual nature ; and with spiritual and legal weapons alone could and ought he to have been combated. But the heathen party regarded him as a contemner of their gods, and a foe to their national customs, and determined to prevent his entrance into their country. Thus he was attacked by their host, and unresistingly suffered himself and his train to be slain,

holding the gospels in his hands, above his head, as he fell.

St. Boniface is called the apostle of the Germans. But the judicious historical researches of Neander and Rettberg have brought more clearly to light than had ever been done before, the same fact on which Bishop Ketteler of Mayence, and Professor Leo of Halle, with their disciples and adherents, proudly dwell as the seal of his aspirations and his work. Boniface was not so much the preacher of the Gospel as of the Church; he labored chiefly where Christianity already existed: he ought to be called, not so much the apostle of Germany as the missionary of Rome, whence he was sent forth furnished with extraordinary powers. To the one party this is a defect and a reproach; to the other his highest glory: the fact is undisputed.

Let us now inquire of history what is the truth as to the church-system of Boniface.

From our point of view—that is, from the ground of historical fact—I think no one has pronounced a more moderate judgment on Boniface than Neander has done, in his Church History, and again, more fully, in his Ecclesiastical Memorabilia. In the latter work he says, in the Essay on Boniface (vol. iii., p. 259):

“The dark side of the ministry of Boniface was, that he did not know, in its full extent, the freedom of the children of God, who have died with Christ to the ordinances of the world; whose life, being no more of this world, but hid with Christ in God, and belonging to heaven, ought not, therefore, to be brought into bondage by the ordinances of this world. He knew, it is true, the fundamental principle of inward Christianity, and possessed it in his own inward life: he possessed it, indeed, all the more, because his powers of reasoning out the Church principles he held, were not equally developed with the Christianity that lived in his soul. But, with this inward Christianity, he still combined a cer-

tain clinging to outward things which is altogether foreign to it. He did, indeed, build on that foundation which is Christ—and hence his work could not but stand as of God, and grow in succeeding centuries by the Divine power that was in it—but he did not build on this foundation pure gold, but wood, hay, and stubble. And here it must be said to his excuse, that he was not the author of this confusion, but that he found it already existing in his age.”

Neander and Rettberg seem to me to have treated the most impartially of Boniface and his work, and mutually to supply each other's deficiencies. While Rettberg, by a wise criticism in his documentary history of the diffusion of Christianity in Germany, has thrown light on the outward history of this active and energetic man, and on the institutions that he founded—confuting at the same time, forever, with equal earnestness and sagacity, unjust suspicions and accusations against his character—Neander enters more into the theological and apostolic side of his ministry. He dwells, with, perhaps, greater affection than any previous historian, on what was worthy of esteem and honor as a Christian and a man in the character of Boniface. True, he can scarcely adduce from his letters and writings one principle of Christian wisdom for the spiritual life of man, nor one sentence that would discover a deep apprehension of the Gospel in its bearing on the relation of the soul to God and Christ. The predominant element throughout his writings, as in his life and ministry, is a strong belief in the right of priestly dominion over consciences and nations, and a Jewish rather than Christian scrupulosity about outward forms. Neander takes the more pleasure in being able to point out the examples of Christian liberality and deep moral earnestness which Boniface gave in his acts.

At the present day we may smile at his inquiring

from Rome, whether his converts might eat horse-flesh (which they were evidently in the habit of doing), and whether, and under what form, they might partake of raw bacon; in which case, Rome's decision against horse-flesh, and recommendation of ham, were undoubtedly judicious. But Winfrid was not thus timorous and helpless, where it was a question of truth and morals within his own sphere. He did not conceal from the Pope that the pilgrims who returned from Rome justified many offenses against morality and Christian discipline by what they had witnessed in Rome itself and its neighborhood, particularly on New Year's Eve; and he urgently recommends the Holy Father to abolish such remains of heathen abominations within his own diocese, in order to do away with this cause of stumbling. His method of proselytism is certainly chiefly remarkable for its political sagacity, practical energy, and a zealous determination to break down, once for all, the resistance of the nation at large. But he frankly censures the rapacity of the Roman Curia, which exacted so high a price for the archi-episcopal pallia, that many begged to be excused this honor, though, probably, they also did not wish to obtain the metropolitan dignity as a fief from Rome. He never ceases to complain on this subject even after the Pope had commanded him to keep silence on so tender a point. Though himself the Pope's legate, yet when Zacharias, the successor to Gregory III., during his residence in those parts consecrated Chrodegang to the bishopric of Metz, he blames him for this invasion of the rights of Chrodegang's metropolitan, the Archbishop of Treves; and it needs the mediation of Pepin to put an end to the dispute. Finally, Rettberg has rendered it extremely probable, that Boniface by no means sought, as Schmidt

maintains, the deposition of the Merovingians ; but rather excited the anger of the Pope by his protests against the act.

But one stain can not be washed out from his character—that of religious persecution and hierarchical exclusiveness. It is undeniable that Boniface, by the help of the temporal power, managed to rid himself of all his opponents and rivals in the missionary field, and in particular of one who was evidently a very distinguished British missionary and bishop. So effectually did Boniface silence Clemens that the latter disappears without a trace. Still his method of proselytism, taken on the whole, was a spiritual one, and truly excellent in comparison with the baptisms by masses, and deeds of violence, by which, thirty years later, Charlemagne carried on the work of conversion among our Saxon forefathers. Professor Leo does indeed try to justify Charlemagne by allusion to the “human sacrifices” of the Saxons: that is, they sacrificed single prisoners, while Charlemagne caused four thousand to be massacred at once. But this account belongs to the same dramatic romance which ascribes the conversion of Germany to Gregory’s walk “on the Roman forum,” through the medium of England, whose offspring, Winfrid, “begot us,” and brought into existence our historical Germany. Nay, the history of this metropolitan see, the diocese of Mayence, manifests an extraordinary and more than patriarchal power of generation in that hereditary statesmanship of the Electors of Mayence, who, by their counsels as Arch-Chancellors of the Holy Roman empire, have added so much to the happiness and glory of Germany. Historical criticism can not, however, recognize such romances, except as pathological phenomena ; just as gifted scholars have treated similar romances in ancient

history. We may certainly hope that these paradoxes are not uttered in earnest, but that the author is only wishing to have a laugh against his hearers and readers.

On the contrary, history informs us that before Boniface—with whom Professor Leo begins the history of Germany, passing over Arminius in silence—the prospects of the Gospel in our country were by no means discouraging. We certainly had no powerful Church, but we had a free and spiritual Christianity. Though Neander says that Boniface found the confusion between externals and the inner principle—the Christian life in the soul and the Church organization—already existing in his age, we must rather agree on this point with Winfrid's present ecclesiastical panegyrists, who—as, for instance, Leo, the Protestant (?) eulogist of the hierarchy—regard the circumstance which Neander laments, as the highest merit and greatest glory of the martyr.

We say with them: Boniface was not the apostle of Christianity in Germany, but of the Church, that is of the Romish hierarchy. Boniface was the missionary of Rome, and preached the supremacy of its pontiff with the necessity of setting aside all those who thought otherwise. Whether this was as great a blessing as Professor Leo would make us believe, still remains a question.

A glance on the predecessors of Boniface in Germany will give us somewhat more light on this point.

Christianity in Germany dates from primitive times, and came to our forefathers, no less than to the Romans, from the East. Asia Minor was its cradle; and, later, our pole-star was Byzantium, not Rome. One great and noble Teutonic race, the Goths, had already voluntarily embraced Christianity, at a time when, according to the unimpeachable testimony of their cotemporary,

Prudentius, more than half of the great families and the wealthy and cultivated classes of Rome were still living, almost without an exception, in heathenism.

The Bishop Theophilus who sat in the Council of Nice for the metropolitan see of the Goths, lying on the left bank of the Danube in Eastern Wallachia, may probably have been rather a missionary than a national prelate. But the Goths, as Commodian (in spite of Krafft's apparent refutation*) had prophetically observed as early as the third century, had nothing in their character or customs hostile to Christianity. Ulphilas, who was born among the Goths, but was the son of a Catholic priest of Cappadocia who had been led away captive into their country, was the first and greatest apostle of the Germans. He was a somewhat younger cotemporary of Athanasius. At the age of thirty he was made a bishop, A. D. 348, a dignity whose possessor was called by the Goths presbyter or elder, according to the primitive custom, which may be still shown to exist, at that period, in many places beside Asia Minor. In order that his people might be able to read the Word of God to man, this great apostle invented the Gothic alphabet, which he borrowed chiefly from the Greek, also availing himself of the Latin alphabet and the Runes; and about A. D. 370—therefore nearly fifteen hundred years ago—he translated the whole Bible, except the books of Kings, from the Greek into his own noble language—a language that owns the same ancient origin with, and is the most closely allied to their primitive tongue.

It is true he declared himself in favor of the Synod of Ariminum, and, therefore, with the Patriarch of

* Krafft. Die Kirchengeschichte des Germanischen Volks., Bd. i., Abth. 1, 1854, s. 3.

Constantinople and Valens, against Athanasius; but he did it certainly not to court the higher powers, but from that deep conviction which he expressed to his people, and which was accepted by them in perfect faith. His memorable saying was, "that the dispute concerning the dogma of Athanasius was not a matter touching the essentials of religion, but the ambition of the bishops." His theological confession of faith, which was discovered a few years ago in a nearly cotemporaneous manuscript by Waitz,* is neither Arian nor Athanasian. In it, Ulphilas abides by the decision of the Council of Constantinople in the year 360, which confirmed the decision of the Synod of Rimini, with the addition, that the word "Ousia," which was used by both parties, ought not henceforth to be employed in theological treatises on the divine nature in God and Christ, because it was no more a scriptural term than the word, "Hypostasis." Ulphilas then brings forward his own theory. In it I do not, like Krafft, see the influence of a real or supposed Gothic mythology, but rather a train of speculation, awakened by Ennodius and the theology which the father Ulphilas brought from Asia Minor. It is essentially monotheistic in principle, or Monarchian; yet it would not be difficult for a theological opponent to accuse it of Tritheism. We will further remark that he is far from giving out his system as a rule of faith; he puts it forward only as a view of the theological schools; the customary mode of propounding their systems among the elder fathers of the Church.

The Goths followed his view, and declared against Athanasius. With regard to the Arianism of the Goths and of all the German races, with the one exception of the Franks, an acute and profoundly learned historian,

* Waitz. Ueber das Leben und die Lehre des Ulfila (1852).

Gieseler, has very correctly remarked, that it sprang less from any enthusiasm for the Arian formula, than from the disinclination of the Germans to look for the truth in any, even theological disputes, among the Romans.* They thought, no doubt, that that principle could not possibly be the right one, which was preached by those whom they knew and abhorred, in practical life, as false and treacherous. Thus they took part with those bishops who declared against Athanasius, and who, for a time, formed the majority.

However this may be, it is certain that we owe to this Gothic Christianity, which was kindled by the Greek Church, the most ancient translation of the Bible into a popular European language—a work which is a masterpiece in its class, and an imperishable glory of our people and tongue. The Latin version of St. Jerome is a translation into a dying language, and dates, moreover, half a century later; the earlier Latin version, the *Itala*, is older, but had its source in Africa, and the conjecture that it was known to Ulphilas, as some would now imagine, is altogether without foundation. Ulphilas's translation has faults and mistakes, but they are all to be explained from the original Greek text before him. This form of Christianity produced, among other great men, the noblest of our Christian heroes—at once the most German and patriotic in heart, and the only good ruler and true benefactor of Italy during those evil centuries—Theodoric, the elder Dietrich of Berne of the *Niebelungen Lay*. True, at the instigation of the orthodox priesthood, the ashes of the king were taken, soon after his death, from their resting-place, and scattered to the winds as those of an accursed heretic; but even his empty mausoleum is a speaking monument, and

* Gieseler. *Kirchengeschichte*, ii. 1.

the fame of the hero still lives in song, and in the grateful memory of the people.

But we will as little join with Leo and Ketteler to forget the thoroughly orthodox British apostles of Germany and their disciples and successors, as we will consent to disown Ulphilas and Theodoric. It is true that these Apostles, like Boniface, gave us no national Bible; like him, too, they formed for us no true national State; but they did preach a far freer and more spiritual faith—a faith, according to the testimony of history, akin to that of the ancient church. Unfortunately we know but little of the personal characters and history of the two British missionaries with whom we are most nearly concerned—Kilian and Fridolin; but we know the school to which they belonged, and we know still more of the heads of that school, Columban and his disciple Gallus, both of whom may themselves be counted among our apostles; the former being the apostle of the Burgundians among the Vosges, the latter of the Swiss. Both preached the Gospel in the German language with great success, from a hundred and fifty to a hundred years before Winfrid. Columban himself was a follower of the inspired apostle of Ireland, St. Patrick. In him, and in the whole of this British school, breathes the free spirit of that Celtic Christianity of Southern France, of which Irenæus of Lyons is the representative and patriarch—that Irenæus who was, again, the disciple of Polycarp of Smyrna, a follower of the teachings of St. John, and the champion of the liberties of individual congregations against Rome, in the great dispute concerning the time of Easter.

Like Irenæus, Columban combated the claims of the Bishops of Rome to make decisions for the whole of

Christendom, and this in the times of a Gregory the Great. Holding fast, as Irenæus did, to the more ancient custom concerning the feast of Easter, he says, with reference to it :

“The same has been also said by the Bishop of Rome, Victor, but none of the Oriental bishops received this figment of his brain. What a crude and careless decision! for it rests on no testimony of Holy Scripture.”*

Thus, the Scriptures are to him the highest rule of faith, and the freedom of the individual churches is the first principle of his Catholic wisdom.

Nay, even in the days of Boniface and later, there were not wanting worthy representatives of this more liberal British school, which once in Anglo-Saxon England came into collision with the Romish emissary, the monk Augustine, in the person of the Abbot of Bangor. We know the British bishop Clemens, who was also a preacher of the Gospel in Germany, and is so bitterly denounced by Boniface, only through the harsh and evidently angry accusations of his zealous opponent. But according to the representations of Boniface himself, these accusations, in point of fact, may be reduced to the following :

First—Clemens lived in matrimony, and had two sons after he became a bishop. Now it is well known that the marriage of the priests was permitted both by law and custom in the British Church, and long after, in the Anglo-Saxon. That prohibitions of second marriages occur in very early times (according to the celebrated passage, 1 Tim., iii. 2), proves of itself that first marriages were considered unobjectionable. It is not quite just in Boniface, therefore, to call this relation

* Neander. Denkw. iii., 222.

adultery (*i. e.*, fornication); for it was not such to Clemens or his Church, any more than the primitive Christians.

Secondly—He did not hold marriage with a deceased wife's sister to be divinely prohibited—a view which is shared by many of the ancient fathers, which evidently has the sanction of the Mosaic Law, and is now no longer regarded by the Pope himself as contrary to the divine commandments.

Finally—According to the statement of Boniface, Clemens believed that Christ, on his descent into hell, may have proclaimed the Gospel of salvation to the heathen, and thus redeemed them; which is simply a philosophic and theological interpretation of that obscure passage in the First Epistle of Peter, concerning which the ancient Church knew no more than we do, and on which the fathers are known to have held the most differing views. But this very opinion found no insignificant advocates in Clemens' great namesake of Alexandria, and the early Alexandrian fathers. Neander thinks that Clemens the Briton may, perhaps, have gone so far as to question whether all the latter heathen were lost forever, though Christ had not been preached to them.* But even if Clemens (as Neander supposes) should have held the possibility of a final restoration of all souls—as many fathers believed before him, and the great Briton, John Scotus Erigena, certainly did a century later—this would have constituted no crime or heresy in the eyes of the British Church, whose bishop he was, or in those of the primitive Christians.

Probably, too, Boniface may not have been satisfied with the validity of the British episcopal ordination; for the abbots of those ancient British monasteries which

* Denkw. iii. 264, Anm.

sent out so many missionaries, used to consecrate bishops, without being bishops themselves. But had he been heard, Clemens could have defended his Church and himself for this practice, as well as St. Patrick, Columban, and Gallus.

What we do know is, that he was condemned by Rome unheard, on the accusation of Boniface. Doubtless, therefore, Neander's comparative judgment on the two is very just, when he says :

“In true knowledge of Christianity, Clemens was probably superior to Boniface, and how much good might he not have wrought, if, uniting to this freer insight the spirit of love and wisdom, he had built up the German church, from the first, on this foundation—that the only source of the true knowledge of the Christian faith is Holy Scripture as interpreted by itself. What widely different fruits would Christianity have borne, thus received at once in its purity !”*

In all this we fully coincide with Neander's verdict. But the difference between Boniface and his predecessors, and in general between the Church system which he preached and the Christianity of the earlier church whose relics and ruins he found existing around him, did not lie simply in theological definitions, as we might suppose from Neander's representation. It was not merely a difference and a conflict in the field of thought ; it had to do with the real world and its government. The struggle of the hierarchy for dominion is always the same in principle, and does but assume varying forms according to the varying position of the individual to the congregation and the State, and the relation of these to each other and to the clergy.

The great points on which we must here fix our attention, are the election or nomination of bishops, and

* Denkw. S. 263.

legislation on the points of collision between the State and the Church. Of the latter, the three most important are—first, marriage and education, or the home and school; secondly, the education and discipline of the clergy and people; and thirdly, the management of the Church property. Let us now inquire, successively, what position Boniface held with regard to these three questions.

Until up to the beginning of that century, the bishops both in the east and the west, were still, as a rule, chosen by the people and the parochial clergy (*a clero et populo*), as the canon law of the Western Church still prescribes. This election was followed by the recognition of the metropolitan Church, where one existed, or of the neighboring bishops. The rise of spiritual corporations led to the episcopal ordination of missionaries to the heathen by the abbot of the monastery which sent them forth, the abbot himself however not being a bishop. This form we find among the British missionaries. When Christian governments and Christian corporations possessed of property came into existence, the recognition of the State was added to that of the Church. But in France, where the sovereigns found the episcopacy already existing as a rival power, they claimed a larger share of influence in the episcopal elections—nay, aimed at securing to themselves the whole right of appointment.*

So long as the bishops all sprang from the Romano-Celtic population, the old canonical form was maintained, and the Gallic Synods fought bravely for their ancient rights and liberties. But when Franks entered the ranks of the clergy, and important estates came into the pos-

* With regard to the following pages, consult the sources indicated by Rettberg, vol. ii., p. 604.

session of the Church, the relation existing among the followers of the King was applied to the bishops; the King bestowed a bishopric, as he bestowed a fief upon the lay nobility. The Synod of Orleans, A.D. 549, decrees that the election must have the consent of the King; but the right of election itself is affirmed by all the synods of this century. But in the year A.D. 614, the decree of Clotaire II. proclaims the right of the King to fill up vacant bishoprics. With a demoralized monarchy and aristocracy, like that of the Franks, this claim opened the door to all manner of baseness and simony. The same evil spread rapidly among the dukes of the neighboring races. The example of the Frankish kings was contagious.

Boniface found things in this state under Charles Martel. He complained of the abuse that had crept in. In these appointments he very justly saw a violation of ancient usage and right. But of whose rights? According to the testimony of Scripture and the history of the primitive Church, it was a question of the restoration of the rights of the congregation and the parochial clergy, who formed part of the congregation. But this was not at all what Boniface desired. On the contrary, he himself, as papal legate, filled up the vacant sees. Carloman replied to this proceeding by a simple repetition of his appointments, including the papal appointment of Boniface himself as archbishop. Charlemagne unhesitatingly followed on the same path. Under Louis the Pious (817), the right of free election is recognized for the first time. But now the chapters have taken the place of the parochial clergy, while the congregation as the highest depository of the rights of the Church has disappeared altogether. It must have been easy for Boniface to prove that the claims of the sovereigns

were a usurpation. and to exhibit the acts of violence which occurred in the enforcement of these claims, as a great wrong. But he did not regard them as a wrong done to the congregation, that is, to the Christian people, but as a wrong to the Church, that is, to the ruling priesthood. This priesthood, however, culminates in the Metropolitan; but disputes in this sphere must be ultimately decided by the successor of St. Peter, the Bishop of Rome, from whom he holds his archbishopric in a foreign country as a fief.

Whenever in matters of opinion and religious belief one despotism is ranged against another, the spiritual despotism is certain to maintain a superiority over its secular rival, at least among all noble nations. The secular government appears overbearing enough without this combination; and always, in contrast to the hierarchy, assumes more or less the character of brute force. The Christian people, as Sterne said in one of his sermons, is the true Issachar bowed between two burdens, and it is too sorely oppressed when all the weight is laid on one side. This natural popular instinct showed itself here as usual. Boniface succeeding in constituting the clerical synods, the bishops and metropolitan, and therefore in the last resort, the Pope, as the heirs of the liberties of the Christian congregation, in the stead of Pepin and the other sovereigns, who found themselves in possession of these liberties, or were seeking to appropriate them. But under this system, too, the Christian nation, as the episcopal flock, remained shorn of its rights; nay, the great Christian congregation, the State, was stripped of its power, and at last of its rights, toward the hierarchy. Naturally the position of the parochial clergy became much less free under the episcopal rule, but the freedom of the

spiritual element was asserted against the secular power, which was at that time no less rapacious than barbarous.

This seems to us the true import for the world's history of the work of Boniface. In his fundamental hierarchical principle lie all the Decretals, and all the forgeries and corruptions of the law of the Western Church which are bound up therewith. From this first principle sprang all the struggles of the Popes with the Emperors concerning the rights of investiture, induction, and confirmation; and, lastly, the pretensions of the bishops to a canon law, which negatives the State no less than the congregation.

Professor Leo, as we have already hinted, says that Boniface begot the German nation, and that his grave should be more sacred to us than the graves of the patriarchs to the Israelites.* The same gifted writer also informs us, "that the Carlovingians, by the mode of their accession to the throne, submitted themselves even as monarchs to the moral law of the Christian Church," and that "this accession assumed as its fundamental principle, that we must obey God rather than man;" wherefore Professor Leo is very zealous against those "narrow-minded Protestant theologians" who strive to exculpate Boniface from intrigues connected with this, "the weightiest political act of his day." "They forget," he says, "that at the name of Jesus every knee should bow, and regard the servant's form, not as one of humiliation, but of glory."† Thus teaches this enlightened politician and professor of history in a Protestant university, principally frequented by future Protestant theologians. Much as we rejoice in such perfect freedom of instruction, we can as little coincide

* Vorlesungen über die deutsche Geschichte, i. 488.

† Ibid. s. 481. Compare note on 474.

with Professor Leo. The congregation can no more die out than the moral order of the universe, or historical truth—than common sense and conscience.

It was not merely a contest between Prince and Pope, which Boniface conducted to a conclusion favorable to the hierarchy. It was the coat of Christ over which the mighty ones of the earth were disputing, and which they at last parted among themselves. The contest concerning the nomination and investiture of bishops became a contest for scepter and tiara, carried on between the absolute imperial and the absolute papal power. The possessors of the kingly authority among the Germans conceived (as Rettberg very justly expresses it),* the position of the bishops as analogous to that of their feudal followers. In France, in the time of Boniface, the Franks recognized in their relations with Rome those rights which had been accorded to the Pope in this great dispute in Christendom, by the decisions of Sardis, and certain imperial decrees of the last days of the empire; rights which even a Gregory the Great only claimed over his own patriarchate—thus, for instance, not over Milan. These privileges consist in the right of watching over the laws of the universal church, and of ultimate decision in case of appeal to these laws by the metropolitans on disputed points. Gregory's predecessor, Pelagius, did not refuse to furnish King Childebert, on the demand of the latter, with proof of his orthodoxy and his adhesion to the council of Chalcedon. Pelagius submitted to do so; for Childebert, though not his own sovereign, was a great King; and he did it because, as he says, "Holy Scripture commands us to be subject to kings." Beyond these limits no historical trace can be found of interference on the

* Rettberg Geschichte ii. 583, etc. Gieseler, i. 2, p. 196.

part of Rome. None of the apostles to the Allemannen—Fridolin, Columban, and Gallus—provided themselves in their missionary work with powers from Rome; nor did Emmeran, the apostle of Bavaria. The story that Kilian, the apostle of Thuringia, sought a commission from Rome, is an evident fabrication. It was the Anglo-Saxon convertors, Willibord and Boniface, who, in the first half of the eighth century, caused themselves to be furnished by Rome with apostolic authority; and Boniface was the first to swear the oath of fealty to the Pope, which was taken by the suffragan bishops of the Roman Church. But even Boniface never dreamed of thereby weakening or setting aside the metropolitan authority; as is proved by the remarkable trait in his life already mentioned.

But with regard to ecclesiastical legislation, the Kings of France assumed to themselves the ancient rights of the Christian congregation as opposed to the purely episcopal synods, and this evidently with the approbation of the Frankish nobles and the people.”* The first great Austrasian Council of 742, the so-called *Concilium Germanicum*, which established the episcopal authority in the position awarded to it by modern canon law, was not an episcopal synod, but a half-yearly assembly of the empire, convened by the King—a council of the magnates and *optimates*, among whom the bishops were included. Here the propositions of the bishops were heard, accepted with amendments, and published by the King as royal decrees or imperial ordinances. The episcopal nominations of Boniface are not mentioned at all; Carloman undertakes the appointments as though nothing had been done. So, likewise, the new regulations concerning ecclesiastical discipline

* Rettberg, i. 352, etc.

and marriage, appear in the form of decrees of the State. This proceeding elicits an expression of thankful satisfaction from Pope Zacharias. The same course is pursued in the three succeeding synods;—the Lestianian (held in 743 in the Hennegau), the Neustrian (held in Soissons, 744), and the General Council of 745. Pepin followed the example of Carloman. The decisions of the œcumenical councils are recognized, and new ordinances are promulgated by the King, in accordance with the deliberations of the imperial council.

Whatever would seem to contradict this, the historical fact of the case has been shown by an unprejudiced criticism to be the misconception, or the forgery and falsification of a later period. The genuineness of the ancient records of these four Frankish councils has been placed beyond all doubt by the most eminent French and German critics; and whoever chooses may now read them for himself in the third volume of that truly great, yet melancholy national work, Pertz's *Monumenta Germanica*. The form of this compact between the bishops and the civil government with regard to the relative position of Church and State was, therefore, in no sense, based on the assumption that the episcopate possessed an independence external to and above the State. The State represented the congregation, which had been forced into the back-ground by the overweening power of the vassals on the one hand, and the perfectly analogous power of the episcopate on the other. It was still Franks who deliberated, and the Frankish King who determined and proclaimed what should be the law of the land, after a Catholic Christianity had penetrated the national life. The form was rude, like the age; but it was the right form with re-

gard to the relation of the State to the hierarchy. Considered from the widest historical point of view, it answers to the position assumed in ecclesiastical affairs, under a freer and somewhat different development of both the Church and State elements, by the English Parliament of the seventeenth century. But the direct historical development of this form is the Gallican Church, not only as established by the declaration of the French clergy in 1682, but rather such as Napoleon would have made it, when, by the organic articles of the Concordat of 1801, he began to bring it into harmony with the altered relations of the world.* Had the course of the world's history fallen out otherwise, the Concordat of Fontainebleau would have completed

* As the terms of this Concordat may not be immediately present to the minds of my readers, it may be as well to recall its principal provisions. I recapitulate them as given in Bauer's *Weltgeschichte*. "This Concordat, signed by the Pope on the 18th August, 1801, re-established the observance of Sunday, and restored the old days of the week; deprived the State of all churches still used for Government purposes, and where none were still standing, obliged the Government to assign some other public building for divine worship. It insures to the Catholic religion the free exercise of its rights, but it is nowhere called the religion of the State—the future head of the State might even be of another confession. Protestants have equal rights and privileges with Catholics; Jews retain the civil rights which were granted to them during the Revolution; all who have purchased Church lands from the State retain undisputed possession of them. The First Consul enters into possession of all the powers and privileges enjoyed by the previous sovereigns of France, nominates the Archbishops and Bishops, and receives from them the oath of allegiance; is further authorized to make any police regulations affecting the Church which may be required for the public tranquillity. The Pope confirms the Archbishops and Bishops, and they nominate directly all the parochial clergy, who are confirmed by the Government, and a suitable salary is to be accorded to them," etc., etc.—*Tr.*

this work, and restored the metropolitan constitution as it existed in essence in the eighth century under the Franks. But certainly the more ancient form was the more free. The middle ages did not attain, either in civil or ecclesiastical polity, to any stable form of freedom; the knot was already too intricate ere the Teutonic races entered on the scene of the world's history. The missionary institutions of the British and Irish monasteries were neither the original type of Christianity, nor one that could become permanent; the place of the Christian congregation could not be supplied by monks and their bishops; this form of government fell, like the rule of the Judges in Israel, by its own incapacity. But still less was the congregation duly represented under the sway of the episcopacy or metropolitanism of the middle ages. The knot remained unloosed, or was cut asunder by despotism. Even if the Reformers had not opened a new sphere to the development of the European mind, yet the progress of culture and the social relations of the age were gradually pressing on toward another attempt, no longer to solve, but to compromise the difficulty. The question was, to what point of the yet unconcluded course of development should a return be made. The Gallican and Napoleonic view of the relation between the episcopal authority and that of the metropolitan, and between the latter and the Papal power, has gained a complete victory over the opposing Ultramontane view in the field of historical jurisprudence—that is to say, among the students of history, and a certain portion, now but a small one, of the clergy of France and South Germany. But the question of the juridical right no longer lives in the remembrance of the French nation; and with regard to the position of the reigning dynasty,

it is still an undecided point whether the present Emperor will be able to maintain the Napoleonic constitution or not. Will it be a reason for or against its maintenance that the constitution of Joseph II. has just been relinquished by the Imperial House of Austria, after a tenacious resistance? We may probably live to see this question answered.

Conceived in its highest form, this struggle resolves itself into a question of dictatorship. The dictatorship of the State has for its object the protection of the laity, as subjects, against the clergy, and of the parochial clergy against the episcopate, whose power over the pastorate is unlimited, according to the French code, in France and on the left bank of the Rhine, and now, according to the new canon law, in Austria also.

For, historically considered, the rights of the congregation were no more derived legally from the authority of the State, than were the rights of the bishops themselves. Let us once more look at the facts. The legislative power belonged to the congregation, as well as the right of electing bishops; the executive government to the council of elders, and already, in very early times, to the bishops, as the head of the presbytery.

Such is the origin and position of free episcopacy. Under this state of things, the congregation possessed the highest voice in legislation—that is, nothing could be decided without its participation; and in the election of bishops, the congregation acted beside and with the parochial clergy.

As the nations became Christian, and the congregations, therefore, were bound up into a Christian state, the power of the Crown meanwhile developing and strengthening, the civil government gradually assumed the position of a national dictatorship toward the Rom-

ish clergy and the Pope. Diets, in which the bishops took part, passed resolutions even on the affairs of the clergy; and made general regulations with regard to marriage, education, and similar matters, which would formerly have fallen within the sphere of each separate congregation.

Thus prince and bishop, and, at the head of all, Pope and Emperor, parted between them the heritage of the congregation. The congregation, meanwhile, gradually ceased to be the independent depository of faith and Christianity, as also of the rights of Christians.

As the Reformation was the parent of the independent Christian state, so that civil absolutism which culminated in Philip II. and Louis XIV., sought to place the national element on a level with the canonical, as possessed of equal authority. In all collisions with the Church on the rights of property, or in the domain of law in general, the decree of the sovereign now appeared as the highest symbol of the nation.

Thus arose the disputes between Church and State, in the modern sense of the term. They were disputes, not merely about the filling up of certain clerical appointments, but about these three great points—marriage, education, and the management of Church property.

For a time the sovereigns believed that they could put an end to these contests by means of so-called Concordats, or treaties with Rome; but so many insurmountable points of disunion presented themselves, that it always became necessary, in order that the sovereign should be ruler of his own country, either to break the Concordat, or to take the more honorable course of Joseph II. and Napoleon the Great, and establish as the law of the land, by means of organic articles and civil

legislation, those indispensable arrangements which it was impossible to obtain from Rome.

If, then, we look back over the whole course of development through these eleven hundred years, up to its present point in our own day, the final result is, that if the middle ages failed to find any means of reconciling these opposing powers, royal or imperial absolutism has been equally unsuccessful. Despotism against despotism, the secular power will always have the worst of it; and, regarded simply as a contest between these two powers, it is just and right that it should be so.

Once for all, the eternal laws of Providence forbid us to gather grapes off thistles, or the fruits of freedom from the tree of despotism; though such a harvest is not only believed in nowadays by many governments, but even sought, in their despondency, by many nations. But the tide is turning: the deeper stirrings of the moral and religious consciousness are making themselves felt in the hearts of individuals and of nations; and the suppression of the laity as the congregation, begins to be productive of as much uneasiness as the suppression of the rights of the metropolitans.

But we will say more on this point hereafter, and from a freer point of view. For the present our nearest duty is to look more closely into the three great points of dispute already indicated. We will, however, first await the conclusion of the week's festival, and the issue of the processions and assemblies connected with it in Mayence, which will last up to the 21st of this month. Meanwhile, farewell!

LETTER IV.

THE SERMON OF THE TIARA BY THE BISHOP OF STRASBURG, AND THE MANIFESTO OF THE ASSEMBLY OF GERMAN BISHOPS AT WURZBURG, IN THE AUTUMN OF 1848.

CHARLOTTENBERG, June 24th, 1855.

The Feast of St. John the Baptist.

MY HONORED FRIEND :

The great festival has passed away, and its train of ceremonies has ended in processions and sermons. In spite of the jubilee indulgences connected with it, not a trace of sympathy on the part of the German people can be discovered, not even among the inhabitants of Fulda or Mayence. The Protestant festival on the Sunday does not even seem to have inspired one sermon of any importance. No news from Sebastopol, only from Hanover.

So much the more can we now afford to smile at much that has been cried aloud in our ears from their sanctuaries by the enthusiastic *coryphæi* of this party, or that is announced or betrayed to us in the public prints. But it is worth while to draw the attention of the political and philosophic spectator, and of the reflecting lover of his country, whether Catholic or Protestant, to some things which have been said by the opposite side, especially toward the close of the festival.

I know not, nor is it of much importance, whether

Dr. Räszt, the Bishop of Strasburg, himself of German descent, was one of those prelates to whom M. von Dalwigk, the minister of the Grand Duke of Hesse, gave a great banquet last week in the name of his Protestant sovereign; on which occasion, though himself a Protestant, he thought proper to say so many kind and approving things to his eminent ecclesiastical guests, about the enlightened sentiments they had manifested.

In short, as we are informed by the newspapers, the Bishop of Strasburg preached on the 21st instant, in the cathedral of Mayence, when he took the opportunity of eulogizing to the utmost of his power the hero of the day, and the master of St. Boniface and himself—the Pope. All this is quite in order. But of the conclusion of his sermon we have the following account in the letter of the Mayence correspondent of the *Neue Preussische Zeitung*:

“At the conclusion of his discourse, the Bishop of Strasburg invited the faithful to show their gratitude to St. Boniface, by praying for the speedy conversion of England to the True Faith and the Chair of St. Peter, for she had been drinking for three hundred years from a fountain whose waters are not those of Eternal Life. The orator then addressed an apostrophe to the Queen of England herself, solemnly adjuring her to restore the tiara, which was unjustly placed on her head, to its rightful possessor, the Pope of Rome.”

The Bishop of Strasburg is unable to see any thing in the whole dispute but Pope and Emperor. The Queen of England exercises certain privileges to which the Pope lays claim; let her relinquish them to the Pope. Then the dispute would be settled, the distinctions of confessions would be at an end, and with them the misery of the world. Nothing is said of Germany; we do not know, therefore, whether he has given us up,

like the Bishop of Mayence, or thinks himself sure of us, like Le Maistre. In short, it is a question of Pope and Anti-Pope.

As for the people and history, too many since 1851 have left them altogether out of the question. The consciences of individuals, and the rights of Christian congregations, are of as little account with them, and with this Bishop, as the defunct liberties of the Gallican Church. This is characteristic. Equally so is the ignorant or consciously false representation of the real matter of fact. Queen Victoria exercises the prerogative of appointing bishops under the form of a *pro formâ* election, after privately consulting the archbishop, who would assuredly as little draw down on himself the terrors of a *præmunire* by the use of his veto, as would the chapter by any well founded refusal. Charles Martel and Pepin exercised the same right without any election, as heirs of the Christian congregation—therefore the exercise of such a prerogative involves no infringement of the papal rights. The Queen, however, can affirm no new dogma, and has no power of excommunication. It is true that in conjunction with her Parliament (in which the clergy is represented by the bishops) she makes laws on ecclesiastical matters, as was done by those Frankish Kings, without parliament or public opinion. But whatever she does is done by virtue of the constitutional rights of the Crown; while the Catholic dynasties have always done the same, when in their power, without constitution.

Therefore she has no tiara, and consequently can not restore any to the Pope. But, as we have already said, even in reference to St. Boniface, this expression of our Lord Bishop is not in harmony with history and fact. What the panegyrist of Boniface calls the rights

of the tiara were unknown to Boniface himself, except in so far as he combated them.

But in zeal is truth; and in every enthusiasm some truth is revealed. Since this declaration has not been disowned, let us examine it, as a test of the views taken by the hierarchical party of the affairs of the world, and as a standard of episcopal acquaintance with history.

The spirit which is revealed in it is, indeed, not that of the Gospel. Rather does it bear a strong resemblance to that spirit of religious hatred which has so long drenched Europe in blood; that spirit of persecution which these claims to absolute power necessarily bring with them, and whose latest fruits we shall soon have to contemplate.

Nor is it the spirit of the great forerunner of Christ, whose memory is celebrated to-day by Christendom. In the midst of very evil and truly desperate times, John the Baptist did not look for the salvation of the people of God and of mankind in a general recognition of the authority of the high priest, whose emissaries and adherents, the priests and Levites, stood before him. Here is his short sermon to the assembled multitude:

“O generation of vipers, who hath warned you to flee from the wrath to come? Bring forth, therefore, fruits worthy of repentance, and begin not to say within yourselves, We have Abraham to our father; for I say unto you, that God is able of these stones to raise up children unto Abraham. And now also the ax is laid unto the root of the trees: every tree, therefore, which bringeth not forth good fruit, is hewn down, and cast into the fire.” (Luke iii. 7-9.)

Let this be our text to-day for a sermon on the tiara, very different from that of the Bishop of Strasburg.

Since he exalts the tiara so highly, we will consider

more closely its real claims, and, above all, search into their origin.

The insoluble problem of the perplexities in which the State, whether Catholic or Protestant, is involved with the hierarchy, and the irreconcilable discord between them, so long as the hierarchy asserts its absolute rights with respect to the three great corner-stones of the State—marriage, education, and property—both lie in the peculiar nature of the law of the Western clergy.

Hardly had the metropolitan system of Boniface superseded the ancient rights of the Christian congregation, when, as is well known, the State, under the weak and superstitious son of Charlemagne, Louis the Pious, was also brought to acknowledge the supreme authority of the Church. This was the work of a century. When it was complete, toward the middle of the ninth century, the Roman papacy, now constituted the sole heir both of the Roman empire and the rights and liberties of the Christian Church, looked around for a legal basis for its position. As no such basis could be found in the canonical codes and decretals already existing, it accepted one invented for the purpose. The absurd invention of the bestowal of Rome by Constantine on Sylvester, dates from the age of St. Boniface, or a little earlier, and is of papal origin. It still commanded universal belief when, six centuries later, Laurentius Valla made the first historical use of that application of the conscience to ancient records which is now called criticism. Its object was very simple, namely, to give the Pope a right of property in Rome. More difficult was it to find a legal foundation for the universal sovereignty, which followed the assertion of Rome's supreme episcopacy. The foundation of Christianity is a purely historical one; the depositary of right and law within

her communion is the Ecclesia—the congregation possessing its own members and its own independence. The prescriptions, or *canones* of ancient Christendom always presume this. Thus, the primitive records were in glaring contradiction with the pretensions of that hierarchy which Boniface and the Carolingians had naturalized in France and Germany. A new canon law must be invented. That the Decretals of Isidor were an intentional falsehood and forgery had been already maintained by Luther and Calvin, and was demonstrated by the Magdeburg Centuriatores* as completely as the motion of the earth by Galileo, *i. e.*, sufficiently for every one who has an uninjured sense for truth. Nor since the time of Van Espen, have all the arts of the romanticists of canon law availed to raise a doubt on the point, even in Germany

It is curious enough, that the Archbishopric of Mayence was more particularly implicated in this forgery. It was a successor of Boniface, Otgar, who fabricated these Decretals, some eighty years after the death of Boniface (about 833), and then caused them to be mingled with certain falsified capitularies by Benedictus Levita. Here, then, we find that archbishopric appearing as the parent of a lie, which, according to the oracle of the professor of Halle, is so blessed with hereditary

* The authors of the Magdeburg Church History, written by Flavius and his friends, about the middle of the sixteenth century, to prove the right and necessity of the Reformation from the history of the Church. Every century was treated in a separate volume by one of this band of authors, and hence their name of Centuriatores. The work was brought down to the end of the thirteenth century. It had a powerful effect on the age when it was published and, called forth the celebrated answer of Baronius, who endeavored to make the same tract of history prove the justice of the claims of the Romish Church.—*Tr.*

wisdom, that, up to the close of the Holy Roman Empire, we see its Electors as imperial chancellors, distinguished for the wise counsels by which they render Germany happy, and lead the empire to its glorious termination.

There is as little truth in the idea, to which some celebrated Catholic scholars of our own time have endeavored to give plausibility, that this most colossal of all historical deceptions (for the forgeries of the Mormons give themselves out for romances) has its basis in ancient canon law; as it is impossible to maintain, either that the collection grew up of itself out of the unsuspecting faith of the people (according to the well-known assumptions of the romantic school of a popular creative poetical genius, and of a *generatio equivoca* in history), or that these Decretals arose from the corruption of really ancient and genuine traditions. It seems to me most humiliating to the German mind and German science, that grave inquirers into history should think such subterfuges necessary to protect their works from inclusion in the Index Expurgatorius, or from the censure of ignorant French bishops and crafty Jesuit chaplains. Doubtless, the condition of the times, and the state of many perplexed minds, may have suggested the fundamental idea; but this only explains the success of the deception, it does not prove the innocence of its birth. This lie rather sprang into existence, like Minerva from the head of Jupiter, consciously and full-grown from the head of the hierarchy, and has spread out its branches from Mayence over all Western Christendom, like a mighty upas-tree. The proper poetry of absolutism and superstition is that impious thing, a pious fraud. How early, and in what place, the consciousness of fraud passed into credulous delusion; and which did most,

Rome or Mayence, to produce or diffuse the forgery is a point we will leave undecided. But one portion of the deceit at least rests on Mayence; and the whole deception could not be unknown to Rome when it was accepted there. Boniface had the collection of Decretals by Dionysius in his hands, and no other. Every bishop in the Frankish empire knew what *capitularia* had been published; none better than the Archbishop of Mayence and his canons, officials who appear at a very early date in connection with that see, and from whom our cathedral chapters are descended. In that city, therefore, it was easier to deceive, and more difficult to be deceived, than anywhere else, Rome excepted.

Every new step in research confirms the justice of the historical views of the Reformers in this field, no less than others, of ancient Church history. They saw, in a general and comprehensive manner, what was genuine and what was spurious, and their successors completed the work of proof; while their opponents defended every thing spurious with the acuteness of self-interested partisans. The latter party, beaten at all points, now begins to act as though those things had been always believed which have been always contested; and those matters were of no consequence, for which men have fought as for divine right and sacred truth. But every fresh step in the progress of inquiry renders these evasions less tenable. Wassersleben first disclosed the beginning of the fraud, or at least brought us on to the right track. Since then, the discovery of the great work of Hippolytus of Portus; has led to the restoration of the primitive text of the so-called *Canones Apostolicæ*, which still form the precious foundation of the canon law both of the Eastern and the Western clergy, and has rendered possible the restoration of the primitive

records of the Churches of Antioch and Alexandria, the most learned and illustrious Churches of the first three centuries. Here I can but indicate the indisputable results attained by a course of investigation which I have pursued elsewhere.* According to these researches we find that our present collection of primitive regulations, manners and customs of the apostolic community, comprised in eight books, to which the name of the Apostles is prefixed, is but a feeble attempt of the Byzantine Church to legalize the authority of the bishops and metropolitans; as the Roman Church, four hundred years later legalized the supremacy of the Papal power. Those simple regulations and customs of the principal churches which could not be traced to the decisions of individual bishops or congregations, were collected as early as the second century, and ranked as apostolic. In the fourth and fifth centuries, this collection was transformed by interpolations and corruptions into a title-deed of the episcopal hierarchy. But the Decretals accomplished the same purpose for the West on a much grander scale, and in the true old Roman manner: in place of theological maxims and pious exhortations, they took a purely juridical form as a code to guide judicial decisions. The earlier literary fraud proceeded from the same school, if not from the same man, to whom we owe the corruption of the Ignatian Epistles. The fraud of the Western Church was the conscious work of St. Boniface's archbishopric, pre-eminent for hereditary wisdom; invented for the benefit of Rome, it was certain, in any case, to be accredited by Rome.

Forgive me, dear friend, this apparently learned digression. The question is by no means one of merely

* Hippolytus and his Times. Vol. iv., 1852. Comp. my *Analecta Ante-Nicæna*, vol. ii., *Reliquiæ Canonice*. Lond. 1854.

historical significance, but is of the greatest import for our own days. For it is the code of the Decretals to which the eulogists and successors of St. Boniface now appeal, as establishing the divine rights of the episcopate.

Taking, then, the widest historical survey, what do we see to be the characteristic feature of this new-made system of Decretal law? That it pretends to unconditional authority over the individual, as well as over the congregation and State. This episcopal authority (which, in the last resort, becomes papal) is truly despotic, not only in relation to the parochial clergy, but also in relation to the laity and the State itself, and betrays an aspiration to universal empire. Originally intended only for the discipline and guidance of the clergy, the canon law has gradually become the supreme code of an ecclesiastical corporation, governing with absolute power, and itself directed by an absolute head, the Pope. And it is not by the *Canones Apostolicæ*, but by this code, that the hierarchy governs—a code which not only leaves the laity wholly destitute of rights toward the Church, but even places the State in the same position wherever the two bodies come into collision. Now the laity is neither more nor less than the whole Christian people organized into a congregation—the State is the Christian magistracy and government; the points of contact between the clergy and the individual, or the State, may be summed up in those three institutions which lie at the foundation of all human society—marriage, education, and property; without the control of which the modern State would be but an institution of police, with barracks, shops, and public-houses, or, at the best, museums and picture-galleries—a level to which here and there a State has really sunk, or is sinking.

But the final utterance of that fraud, and of the whole system of law grounded on it, is precisely what the Bishop of Strasburg says, according to the public prints, in his sermon on the tiara. You are acquainted, my honored friend, with those presumptuous and ominous words, to which I have more than once listened myself—I mean the words with which the Dean of the College of Cardinals places the tiara on the Pope's head: "Take the triple crown, and know that thou art King of kings, and Lord of lords, and the Vicegerent of our Lord Jesus Christ on earth!"

No pretension was ever put forth in a more naked and unconditional, not to say horrible and blasphemous form. The power of such pretensions over the minds of men and of nations lies in this—that what is there said is as true of humanity, and of every organized Christian congregation or ecclesia (if we remember only that what is divine can alone be rightfully absolute or unconditioned) as it is false of the Pope, or of any other person who would set himself in the place of the congregation, or of believing humanity, that he may bring the latter, which is God's own free child, into slavery.

Is not this, indeed, a truly apocalyptic transformation? What was once laid down for itself as an internal rule of conscience by the free Christian congregation with its elders and bishop, while as yet unconnected with the State—what had the force within the congregation itself of a free law, of which conscience was the sanction, is now wielded, according to this code, in their own behalf as the "Church," and against the Christian people and its government (therefore against the whole civilized world) by the clergy, organized into a hierarchy; and, forsooth, as a divine right, which it would be godless to disobey. The individual is created to

obey this law at the peril of his eternal salvation; the State is bound to carry it into execution at the peril of its peace—nay, of its existence. The secular arm is summoned to act as the servant of the clergy; should it exert its own rights and those of the people, even for purely Church objects, the thunderbolt of excommunication is ready to paralyze it—that is, if there is the least hope that the bolt will kindle a flame among the people. A helping hand to the conflagration is never wanting.

Contemplating the present social position of the world, one should imagine that every thoughtful and well-intentioned person must feel the complete abolition of the claims of such a code, resting, as it does, on forgeries, and a base and self-interested deception, to be the greatest boon to all classes; and that the clergy, at least, must regard it as most desirable for themselves that the State should set bounds in practice to such pretensions. And this was, in fact, the prevalent view, during the last two and the early part of the present century, among the most pious and enlightened, as well as truly patriotic bishops and other ecclesiastics of the Roman Catholic Church. But such moderate men, where they have not allowed themselves to be “converted,” or driven by the coarse domination of the bureaucracy into that re-actionary infection from which no priest is safe, are now called infidel and servile. The same party that despises Sailer as a sentimental weakling, pours contempt not only on Febronius,* but even

* Febronius's real name was Von Hontheim; he was Suffragan Bishop of Trèves, and wrote (about 1770) a defense of the liberties of the German Church against the absolute claims of Rome, on behalf of the three spiritual electors of Mayence, Cologne, and Trèves.

on Wessenberg,* as ignorant, deluded men, traitors to their order, and slaves to princes. However, to the real advantage of that hierarchy, the legal limitations of its authority, so widely desired, were introduced into all Catholic States, or remained untouched where they already existed, up to the year 1850.

But this view is far from being shared by that gifted and eloquent prelate who invites his faithful flock to celebrate the Feast of St. Boniface, and admonishes us meanwhile to do penance for the murder of the Messiah—that is, of the very hierarchy which is giving at this moment such characteristic and vigorous signs of life.

As before, we will let the Bishop speak for himself. Bishop Ketteler gives us, in his tract of last year, entitled “The Rights of the Catholic Church in Germany, and their sanction; with particular reference to the demands of the Episcopate of the Upper Rhine, and the present ecclesiastical conflict,” the following information concerning the claims of the bishops upon the State :

“All the demands of the bishops may be reduced to four.

“First, they demand the right of educating their priests, and placing them, without interference; and of exercising ecclesiastical discipline over the priests and the laity.

“Secondly, of possessing and founding Catholic schools.

“Thirdly, of directing the religious life; that is, of founding and possessing the institutions and corporations which minister to the nourishment of that life.

* Wessenberg, a very learned, pious, and highly gifted man, is still living: at the beginning of this century he was Administrator and Suffragan Bishop of Constance, where he introduced many reforms, which were all condemned by the Pope in 1816. He wrote a history of the Council of Basle, in seven volumes.

“Fourthly, of the entire management of the revenues belonging to the Catholic Church, and expressly guarantied by the peace of Westphalia, and the Final Resolution of the Committee of the Diet in 1801.” (p. 40.)

These four points are concise and pregnant, and are laid down quite tranquilly without any preface. They almost remind one of the customary phrase of the Janissaries, when they took a Christian by the hair to cut his head off, “Hold still! it won’t hurt.” Innocent as they look, they are very weighty, and cut very deeply into the life of the people and of the State. In order to estimate the whole range of their meaning, and to keep at the same time on the ground of fact and the present time, let us first seek the explanation of these points in the fuller manifesto published by the assembly of German Cardinals, Bishops, Apostolic Vicars, and their representatives, which was held in Würzburg in the autumn of the fateful year 1848. The short statement of the Bishop of Mayence in 1855, so innocently put forth, and so tranquilizing in sound, evidently rests on this document, which has not yet, it appears to me, met with the attention it deserves. It has been repeated in essence by the Bishops of Bavaria and Austria, and has a significance far transcending the boundaries of Germany. In the first of these manifestoes Bishop Ketteler’s predecessor took part, and he himself is one of the most distinguished and active men among the Bishops of Germany who were there represented.

This remarkable “Preliminary Council of the Catholic Church in Germany” consisted of a Cardinal-Archbishop of Cologne, five Archbishops, and eighteen Bishops. The six Archbishops are those of—

Salzburg and Olmütz, in Austria;

Bamberg and Munich-Freising, in Bavaria;

Freiburg, in the Grand Duchy of Baden ;
Cologne, in Prussia.

The following eighteen Bishops signed the manifesto, either personally, or by their accredited clerical representatives :

The Bishop of Brixen, in Austria ;

Those of Augsburg, Passau, Würzburg, Ratisbon, Speier, and Eichstätt, in Bavaria ;

Culm, Ermland, Breslau, Paderborn, Munster, and Trèves, in Prussia ;

Hildesheim and Osnabrück, in Hanover ;

Rottenburg, in Wurtemberg ;

Limburg, in Nassau and Frankfort ;

Mayence, for Darmstadt ;

to whom may be added the "Apostolic Vicar in the kingdom of Saxony, the Bishop of Corycus," who is the successor of the man who presumed to take the title of Bishop of Meissen.

The manifesto of these Bishops, which bears the title of a "Memorial," is published on St. Martin's Day, the 11th of November, and addressed to governments and peoples ; the general address to the clergy and the pastoral letter appeared on the same date, and with the same signatures.

At that time two great rights had been proclaimed throughout Germany, namely—*freedom of association*, and the *right of every religious body to regulate its own affairs without external interference*. These the Bishops now claim for their own benefit, and declare that they will suffer the generally demanded *separation of Church and State* to take place, without either wishing or fearing it.

Meanwhile they make the following reserves and declarations :

“1. The Concordats offer many restraints to the life of the Church; the bishops demand their alteration by the State in such a way as to give liberty to the Church.

“2. All limitation of the episcopal authority not already stipulated in the Concordats, they once for all refuse to admit.

✓ “3. They claim the divine right of the instruction and education of mankind, in which sphere the Church has, in all ages, brought to pass the most glorious results.”

The last point is literally expounded as follows :

“This right over mankind the Church can never renounce, without renouncing her very nature; and it is the natural and necessary consequence of this right that she should be free to choose and determine all the means requisite for carrying it into execution, such as the individuals and corporations appointed to the task of education and instruction, as well as the school-books to be used; that, in particular, she should be wholly and entirely uncontrolled in the process of training, and the point at which she pronounces her laborers and emissaries ripe for her great work of education, as also in their employment, superintendence, correction, and, if necessary, removal; also, that it must rest with the Church to decide what bodies and corporations are to be preserved or founded for this end, and what are no longer useful or admissible, if she is to be placed in the full enjoyment of the liberties which belong to her as the guardian of morals, which have their root in the faith, and are the guaranties of all public law and order.”

The exercise of these liberties is more nearly defined as follows :

✓ “*Unlimited freedom in the matter and mode of instruction, with the power to found and superintend her own institutions for instruction and education, are claimed, in the widest sense the terms convey, by the Church, as the indispensable means without which she can not be in a position to fulfill her divine mission truly, and in its full extent; and she must regard every measure tending to limit her sphere of action in this field as incompatible with the just claims of the Catholics of the German nation.*”

Here, my honored friend, two things are to be remarked: first, that nothing can satisfy the episcopate

but unlimited freedom of instruction and the establishment of its own educational institutions. The Bishops would therefore put their unlimited rights in force even in the public schools; and naturally (as we shall presently find them expressly stating) lay claim to the support of the State for this purpose. They have unlimited rights; all others, nay, the State itself, have in this matter only unconditional duties. They demand unlimited freedom to arrange affairs in accordance with their own code, and make this demand in the name of God and justice.

Secondly, every measure not in accordance with this view (and up to the present time no national law in the world, not even that of the United States, does accord with it) is a violation of the rights of the nation, in so far as it is Catholic.

At the present time, all those States which do not exclude religious instruction from their public institutions, grant to the bishops, in schools of mixed denominations, those liberties which the bishops have never granted where they have been the masters, or suffered others to grant where their influence has been predominant.

Historically viewed, these claims are the claims of an ecclesiastical corporation. This party calls them the claims of the Church, and represents its cause to be that of the Catholic people. It is thus represented also by the bishops assembled in Würzburg. But at this very time, and in the German people itself, condemned by this constitution to be but the passive member of the Church corporation, many truly popular and unmistakable voices were raised against such an identification of its rights with the pretensions of the episcopate.

In passing from the discussion of the general schools

to those institutions already existing, or to be hereafter established, for the education and training of the clergy, the assembled Bishops start by demanding the unlimited right, not only of uncontrolled superintendence over both these classes of institutions, but also of *managing the funds belonging to them*. They must and will possess this right in virtue of their divine mission. They already enjoy it, as is well known, in all German States where there are episcopal seminaries of the Catholic Church, particularly in Prussia and Baden. But the manifesto aims at absolute unconditional power, as all so-called divine rights do. It says :

“The Bishops declare that the participation of the State in the preliminary examination of those destined for the clerical state, before their reception into the seminaries, as also its participation in the competitive examination for appointment to parishes, involves a fundamental limitation of the liberties of the Church, and an infringement of the rights of the bishop.”

Hitherto in Germany it is only in exceptional cases (not in Prussia for instance) that the State has claimed a participation in the examinations prescribed for those who are candidates for parochial cures. But in all cases the bishops are free to give or withhold the ordination of priests, as they think right, after having trained their pupils by teachers of their own appointment, and under their own exclusive superintendence. We shall return to this point when considering the Church disputes in Baden. But this is not the chief point. Shall the bishops be able to receive into their seminaries mere boys, wholly ignorant persons, and foreigners, or shall they be obliged to receive only such as have been already educated at the gymnasia and universities? Yes, my friend, the object is to set aside the universities and gymnasia; supplying the place of the former by the

episcopal seminaries, and the latter by the so-called minor or boy's seminaries, which shall furnish a supply of ready prepared pupils to the superior institution.*

As long as gymnasia and universities exist, it is clear that the State can not suffer itself to be deprived of the right of deciding on the proficiency requisite for those who enter them, without surrendering its very being, and with it its duties toward the individual who is born a man and a citizen, and must and will be trained as such. Whoever can give proof that he has acquired this necessary culture in his own country, is at liberty, on attaining his eighteenth or twentieth year, to determine on becoming a priest. Moreover in all gymnasia and lyceums, the Catholic clergy has the free right of religious instruction during the hours set apart for the purpose. Lastly, at those universities which have a Catholic faculty, there are conventual colleges for young men who wish to prepare for the clerical office, where they may reside together under the special superintendence of a spiritual director.

The demand for a certain amount of liberty in the establishment of private schools, which shall be preparatory to the gymnasia, is both general and reasonable, and has been more or less conceded wherever constitutions exist—at least since 1840.

But whatever liberty may be allowed in the establishment of private schools, the State can never surrender its right and its duty to fix a certain degree of culture

* The difference between the regulation of Germany and France (indeed, all the Romanic nations) in this respect, is most lucidly exhibited in the historical and juridical analysis of the Baden Church disputes, published last summer by Professor Warnkönig, to which I refer my readers; also to the well-known works of Dupin and Gaudry, and the Essay by Laboulaye, in Wolowski's Journal.

which must be attained. Yet, according to the manifesto, such a participation is as contrary to the divine right of the episcopate, as a State system of education is unknown to the canon law.

For the same reason the Government can never suffer the existence of corporations and corporate rights within the State, except such as are recognized by itself. On this point, too, the manifesto protests, and once more in the name of liberty; it says:

“The assembled archbishops and bishops demand, on behalf of all ecclesiastical associations of men and women, the same degree of freedom of association which the constitution of the State grants to all its citizens.”

This practically means, as is proved by the demands made since 1850, that even when the rest of the citizens enjoy no such freedom of association, the bishops still lay claim to it for themselves, and that without limitation. What is unconditioned in essence, must remain unlimited in practice.

All this refers—like Bishop Ketteler’s first three points—to education. But now the manifesto reaches the subject of his fourth point—practically, the main point—Church property. What is Church property? In whom do the rights of ownership reside? in whom the power of administration? The manifesto says, Church property is the property belonging to the foundations and endowments; the ownership resides alone in the one Catholic Church; the uncontrolled administration resides with the bishop. Here are the words:

“Finally: the Church has a right to demand that the revenues of all Catholic foundations and endowments should enjoy, as her lawfully acquired property, held by legal titles, the same protection from all arbitrary encroachments as that of every citizen or civil association; and that she shall be equally free and inde-

pendent in the use and administration of it. These revenues, everywhere set apart solely for the objects of the Church, and guarantied by the archives of foundations reaching back, in many cases, for several centuries, are the property of the one Catholic Church corporation, which must be recognized as the sole depository of all legal rights with regard to them; and, if right and justice are still sacred to the princes and people of Germany, and have not become empty words, this property must, under all circumstances, enjoy the same protection as that of every other association, the inviolability of which is secured in all countries where public and civil order truly exist."

The assembled archbishops and bishops omit to produce the proof and legal demonstration of these rights; but Bishop Ketteler, in his last controversial tract, endeavors to supply the deficiency.

The famous "Recess" of the old German Empire of 1803, says the Bishop, confers this right on the episcopate. We might urge the propriety of taking into account the dissolution of the German Empire in 1805—the rights conferred since then—the constitutions to which oaths have been taken—the regulations that have been passed; but we will rather quote the article adduced by the Bishop himself, from the "Final Resolution of the Committee of the Diet." (§ 62):

"Every religion shall be secured in the possession and undisturbed enjoyment of its own Church property and educational funds, according to the prescriptions of the Peace of Westphalia."

I read nothing here of the divine rights of the episcopate; "every religion" signifies in law every religious association. But the same document does indeed say (§§ 34 and 61):

"All cathedral chapters shall be incorporated with the demesnes of the bishops, and pass with the bishoprics to the princes to whom the latter are assigned; all royalties and capitular estates shall fall to the new sovereign of the country."

Shall we then call upon the Emperor of Austria for his "intervention" in Baden or Prussia, as is openly done by the "Deutsche Volkshalle,"* which appears in Cologne? and is kindly proposed in both these countries, as we learn from the newspapers, by certain vagabond meddlers who have the impudence to give themselves out for Austrian agents? No, we will leave these birds of ill omen—these apostles of darkness—to the universal contempt in which they are held by the people, whether Catholic or Protestant, and the just anger of the governments.

Or, finding this legal basis no longer tenable after the dissolution of the German Empire in 1805, shall we go back to the Peace of Westphalia in 1648, and, with Bishop Ketteler and the juristical champion of this party, Baron Von Linde, summon the guaranties of that treaty to adjust our dispute, and thus call both the French and Russians at once into our poor country? No: but we will take good heed to these fearful words.

The concluding words of the manifesto speak, not only of "the full enjoyment of true liberty," but of the German character, "whose loyalty is proverbial." We leave it to Bishop Ketteler to say, if he would tell us the truth on this point, whether this betrays a change in opinion, or only in the circumstances of the case. Was it thought necessary to be more courteous in 1848 than in 1855? or has not the good sense and right feeling shown by the Catholic population in the Church dis-

* This paper has been suppressed, since the date of this letter, by the Prussian Government, to the sorrow of the really liberal party who desire the freedom of the press, notwithstanding their dislike of the paper itself, which was an Ultramontane organ, mostly carried on and paid for by the Austrian Government, and maintaining a more or less open war with Prussia.—*Tr.*

putes of the last few years fulfilled the hopes that were placed in the German conscience? And have the Germans thus first become worthy to be stigmatized as murderers of the Messiah, and to be offered up on the grave of St. Boniface by an arrogant priest? We have already termed the Baden Church difficulties the practical commentary on the manifesto of the bishops; we must now look more closely into this remarkable occurrence. Let it be the subject of our next letter.

LETTER V.

THE HISTORY OF THE DISPUTE BETWEEN THE CHURCH
AND GOVERNMENT IN BADEN, FROM ITS COM-
MENCEMENT IN 1853 UP TO THE PRESENT TIME.

CHARLOTTENBERG, June 25th, 1855.

MY DEAR FRIEND,

No doubt, when reading the manifesto we discussed in our last letter, it did not escape you that this document expresses a fixed resolve to seize the earliest opportunity that may arise of carrying into effect the principles there solemnly laid down.

Such an opportunity presented itself in Baden, a country apparently offering peculiar advantages to the attempt. It is a small State that has passed through many vicissitudes, and is exposed on all sides to the action of the conflicting tendencies of the age. Of its nearly a million and a half of inhabitants, not much less than two-thirds (900,000) are Catholics. The larger portion of the territory, the Brisgau, with its capital, Fribourg, was transferred from Austria to Baden only in the year 1804, bringing with it a large accession to the Catholic population—as had been the case somewhat earlier with the provinces of Spire. The southern extremity of Baden had previously belonged to the Prince-Bishop of Constance. In the beginning of this century, the unwearied exertions and the pious wisdom of Wes-

senberg, one of the most distinguished of German prelates, had made this see the focus whence an improved education of the clergy, coupled with a spirit of religious earnestness, had been diffused over the neighboring districts. Many reforms were introduced; public worship was held, as far as it was practical, in the German language; the clergy openly aspired toward a higher mental culture, joining with their intellectual aspirations a high moral tone, and exerted themselves in a truly patriotic and Christian manner for the moral and religious education of the people. On the return of Pius VIII. to Rome, the leaders of this movement, and especially the excellent administrator of the see, were exposed to most violent attacks on the part of the Ultramontanists. Since the scheme proposed in Vienna for a Catholic National Church, in which all the German Bishops should agree upon the attitude they should, in common, assume toward Rome, had found no encouragement at the hands of the Austrian Government, and Prussia likewise showed no interest in the question, the Governments of South Germany united together to enter into a joint convention with Rome, by virtue of which the Upper Rhine should be constituted into an ecclesiastical province, of which the Archbishop of Fribourg should be the metropolitan.

The States which composed this Union were Wurtemberg, represented by the Bishop of Rottenburg; the Electorate of Hesse, by Fulda; Darmstadt, by Mayence; Nassau and Frankfort, by Limburg. So early as 1821, their negotiations issued in a convention with Rome, which, in 1827, the Pope announced by a second bull, and which was published throughout the five States which took part in it, with the necessary regulations. But, as usual, the execution of the treaty gave

rise to protests and collisions. The Governments had published the papal edicts with the customary reservations, and had regulated the mode in which they were to be carried out by the ordinance of the 30th of January, 1830, in which they exactly copied the example set by Napoleon with regard to the Concordat of 1801. In the course of the same year the Pope entered a protest against such an interpretation of his measures, just as his predecessor had protested against the organic articles of Napoleon. Notwithstanding these difficulties, the newly-formed ecclesiastical province flourished under the protection of the civil constitutions bestowed by the sovereigns of the States composing it, and with the aid of the savings from the ecclesiastical revenues which the Governments conscientiously laid by. The people enjoyed with gratitude the advantages of the foundations originally made for the public benefit; and the clergy rose daily in mental culture and in general esteem. The Archbishop lived in peace with the University of Fribourg, between which and the seminaries for the training of priests Joseph II. had established an organic connection, on terms harmonizing with the state of education and learning in Germany. For, as we have said, it is entirely opposed to the spirit of the German people, that children and boys, who have no knowledge of themselves or of human life, should be separated from the world from their earliest years, and set apart to be educated, or rather broken in, for the priesthood. It is true that the boys are not compelled to become priests on leaving the seminaries; but drilled as they are, what else are they fit for? Besides, the majority are utterly penniless, and who will give them the means to make up for lost time? According to German views of human justice and Divine laws, however, these children

and boys have a double claim to protection against such arbitrary and unnatural treatment: in the first place, as citizens; and in the second, as men—a still higher claim, because of immediately Divine origin.

With regulations based on these principles, there has been generally no lack of servants of the altar in the Catholic Church, at least before the unfurling of the new Ultramontane banner frightened away the young men. The parochial clergy who proceeded from our great episcopal seminaries were a very different class from those whom we see in France, Italy, Spain, and Portugal; they counted members from the middle and upper ranks of society, and the Catholic clergy and professors were equal, or not much inferior, to the Protestant in mental culture and social position. Moreover, up to the date of which we are speaking, the Bishops of the Upper Rhine province were, on their side, satisfied with this arrangement, and with the other articles of the convention. When, at a later period, complaints arose of the continually increasing deficiency of candidates for the priesthood, the Government of Baden, at the request of the bishops, consented to modify its regulations, and even declared itself willing to place at once such Catholic pupils of the lyceums as might express a desire to devote themselves to the clerical profession, under episcopal superintendence, and allow them to enter on a secluded life. Then came the year 1848, with its universal commotion, and the bloody insurrection of the republicans in Baden, which raged more especially in the district of Fribourg.

In 1851, the third year after the publication of the Würzburg manifesto, the five bishops above mentioned handed in to their respective Governments a memorial, in which they petitioned for “the freedom of the

Church," in the sense attached to those terms by the manifesto. The Governments replied by a general order of the first of March, 1853; to which each of the Governments concerned appended some special stipulations affecting their own bishops, by edicts dating from the 2d to the 5th of March, 1853. With this began the contest. As a Protestant, I think it best to refrain from giving my own statement of the facts with regard to events which have given rise to such hot dispute, and whose issue is not very apparent. But after having read nearly every thing that has been published on both sides about this controversy,* I find nothing that deserves the name of a concise, connected, juridical treatise on the subject, but the luminous and strictly impartial narrative given by Professor Warnkönig, one of the ablest Catholic canonists of Germany and of Europe. I therefore proceed to lay before you an extract from his pamphlet, relating to the first decisive steps taken by the belligerent parties, and their consequences up to the summer of 1854, referring those who may wish to learn M. Warnkönig's views as to the proper merits of the question to Appendix A. Another account, given in *Deutsche Vierteljahrschrift* for 1854, is written with great talent, and goes into full details, but is very one-sided, and expressly written from a party point of view.

* A complete and thoroughly historical review of above thirty publications on this subject, deserving notice, will be found in Schletter's "Jahrbüchern der deutschen Rechtswissenschaft," i. bd., 3 heft (July, 1855), from the hand of Professor Warnkönig. Other facts mentioned in the text are derived from a very ably written reply to Hirscher's pamphlet, entitled, "Zur Orientirung über den derzeitigen Kirchenstreit," after I had ascertained the reliableness of this work by a reference to documentary evidence. Its title is "Das Reich Gottes und Staat und Kirche." Jena, 1854.

I.

DEMANDS OF THE BISHOPS.

“The Episcopate demands a radical reform of the existing order of things, and claims the complete restitution of all those rights which it asserts to belong to itself, according to the constitution of the Catholic Church, the canon law, or the conventions which have been concluded with the Pope.

“It demands in particular :

“I. That the right of collation to all the ecclesiastical benefices, and of nomination to every function or employment within the bosom of the Church, should belong to the Bishop ; except in those cases where some other person, whether the sovereign or a private individual, has acquired the right of patronage according to the canon law. It does not recognize this right as belonging to the sovereign as such, and does not consider the secularization of the property of those religious corporations which formerly possessed the right of appointing to the livings of the incorporated parishes, a title which could give the sovereign the right of patronage. It requires that its own nominations should be valid, without being approved or confirmed by the head of the State, and that the nomination of a pastor by the Bishop should insure his recognition and protection in all the prerogatives appertaining to his charge and his dignity.

“II. As a consequence of this principle, that the Bishop alone can confer benefices and ecclesiastical dignities, the Episcopate demands not only that the sovereign should not enjoy the right of examining candidates for reception into the seminaries, or those candidates who compete for parochial cures, but also that he should be excluded from any participation whatever in the examinations, that he should not be represented in them by delegates, and, above all, that he should not have the prerogative claimed by the Governments in March 1852, of giving a vote on the capacity of the candidates examined.

“III. For the same reasons the Bishops claim the immediate direction of all ecclesiastical schools, and the establishment of seminaries conformable to the prescriptions of the Council of Trent ; they require that the professors of theology in the universities should be appointed only in accordance with their ad-

vice, and that the professors themselves, as well as their instruction, should be subject to their immediate supervision. They further demand the sole right of conferring the clerical title, or of sustentation, and therefore of disposing of the funds appropriated to this object, and even of conferring orders without the necessity of such sustentation.

“IV. The episcopate further claims the complete and entire abolition of the right of *placet*, and of the recourse to another tribunal in case of abuse; or of appeal against its decisions to the civil authorities, except in cases where there was a usurpation of civil functions on the part of the clergy. It claims, moreover, the free exercise of ecclesiastical jurisdiction, civil as well as penal, *secundum canones adhuc vigentes et presentem ecclesie disciplinam*, and it exacts from the Government the execution of its sentences—therefore the right of deposing, suspending, and removing priests at its own pleasure, without any inquiry on the part of the civil authority into the regularity of the proceeding.

“V. The Bishops next claim full and entire liberty of worship, even with regard to the acts not considered necessary to salvation; and, consequently, the right of commanding missions, processions, and solemn pilgrimages, and of establishing confraternities, congregations and convents, and monastic orders, without any preliminary authorization from the Government.

“VI. They claim not only the exclusive direction of religious instruction in the primary schools, colleges, or lyceums, as well as the right of appointing the professors, but also that of watching over and even directing the secular instruction there given, and of dismissing those professors who no longer enjoy their confidence; lastly, they demand the abolition of all mixed schools, that is, of such as are intended for the simultaneous instruction of children of different confessions, in order that children of the Catholic religion may be instructed in exclusively Catholic schools.

“VII. The Episcopate demand full power to pronounce sentence of excommunication, major as well as minor, on every person, whether priest or laic, who may have incurred this penalty.

“VIII. Finally, it claims the free and exclusive administration

of all Church property, without the control exercised up to the present time by the State—consequently, the abolition of all the rules of administration established by the Government. It is, above all, the general ecclesiastical funds of which the Bishops desire to have free disposal, without any authorization whatever from the civil power, and conformably to what is prescribed in the canon law.

“In this memorial, the question of mixed marriages is not treated; the Episcopate having for many years past enforced the papal Edicts on this point; and considering civil legislation as null and void on all points where it contradicts these Edicts, it has not been thought necessary to demand its abrogation.

“If we compare the governmental system exhibited above with the demands of the Bishops, it is easy to perceive that they rest upon such different modes of looking at the subject, that there exists between them an absolute contradiction. According to the principles of the Government, the Church can not claim from the State any rights but those which the latter is willing to accord to it; the greater part of these rights appear to the State a simple concession on its own part, and it considers that it has the right to refuse to the Bishops more important privileges, such as that of conferring ecclesiastical benefices, of examining the candidates in theology and for parochial charges, and of managing the central ecclesiastical fund; while the Bishops on their side claim all these rights as belonging to them exclusively, or at least as prerogatives which the State can not make dependent on conditions dictated by itself, nor circumscribe within certain limits; they even declare the greater part of these rights so inherent in the episcopal dignity and functions, that they do not think themselves authorized to renounce them, or to allow the civil power to meddle with them. In short, it is the most absolute and the most frankly expressed Ultramontane system which the Bishops of the Upper Rhine wish to see carried into practice, utterly regardless whether the State recognize it or not. Hence the Archbishop of Fribourg thought himself at liberty to take possession of a part of these rights by his own authority, and by practically exerting them; while the Governments feared to abdicate a part of their sovereignty by allowing such a state of things to be tacitly introduced.

“The Governments had modified the ordinance of the 30th

of January, 1830, partly by another ordinance drawn up by their mutual consent, partly by a ministerial explanation of the 2d to the 5th of March, 1853. But these modifications did not meet all the demands of the Bishops; many demands had been rejected, and the principles of the old ordinance maintained; the Bishops therefore declared that they were not satisfied by the concessions which they had just obtained. We will enumerate the most essential changes which had now been decreed :

“I. All Papal Bulls or Briefs, the general ordinances of the Bishops and other ecclesiastical authorities, as well as the decrees of the Synods, may be published and enforced without the *placet*, except when they impose obligations which are not within the sphere of the Church, or have reference to public or civil affairs. As to the rest, which are of a purely spiritual character, it is only necessary that the Government should be previously advertised of them.

“II. Free liberty of communication with Rome is accorded to every one who may wish to exercise it, but without prejudice to the hierarchical order of the ecclesiastical authorities.

“III. Theological studies must be conducted by a faculty of theology forming part of the Government Universities.

“IV. Theological candidates shall not be admitted to receive holy orders, or to enjoy the clerical title, until they have successfully passed an examination by the episcopal commission, who shall be assisted by a Government Commissioner; the latter shall have the power of a suspensive *veto*, when the case must be referred to the board of public worship, with whom lies the ultimate decision on the admission of the suspended candidate.

“V. The right of free nomination to the livings which may fall vacant in the months of July and December, is granted to the Bishops and to the Archbishop of Fribourg.

“VI. The Bishop has the right of immediate supervision over the establishments of public instruction for persons intending to become priests; the professors, and the directors of the boarding-houses connected with these establishments, can not be appointed without his consent.

“VII. The Bishop nominates the rural deans, but they can not

enter on their functions until their appointment has been confirmed by the Government.

“VIII. The Governments recognize the episcopal right to award the customary penalties to priests guilty of some fault; if, however, the sentence involve civil consequences, such as the loss of the benefice, etc., it is necessary that it should have been pronounced by a duly organized tribunal, assisted by a jurisconsult. The verdict must be arrived at by a proceeding conformable to law, and the condemned person is at liberty to appeal to the civil authority; if he does not make use of this privilege, or if the civil authority decides that there is no reason to reverse the sentence, the execution of it is committed to the secular arm.

“IX. The Governments recognize the episcopal right of excommunication, but excommunication can have no civil consequences, and gives a right of appeal as for an abuse of authority when pronounced for any acts not of a religious nature.

“The reforms refused by the Governments concern, among other things, the erection of the minor seminaries prescribed by the Council of Trent, but which do not exist in Germany, and are rendered superfluous there by the secondary schools and existing colleges; also missions, solemn pilgrimages, and the founding of convents without the preliminary authorization of the State; the superintendence and control of secular instruction by the Bishop, or of the theological professors appointed by Government in the national universities. Finally, the existing laws with regard to Church property and foundations are maintained; and the Governments declare their resolve to keep the administration of the central ecclesiastical fund created by themselves in their own hands, although augmented by the revenues of the vacant benefices. The Bishops must be satisfied with having the right of consent to the employment of this fund, etc. They conclude by promising the Bishops that whenever they demand some amelioration on behalf of the common welfare of the Church, the Governments will be always ready to comply with their wishes, provided only that they are compatible with the modern order of society and the laws of the State.”

II.

ACTS OF INSURRECTION ON THE PART OF THE BISHOPS AGAINST THE GOVERNMENTS, AND PROCEEDINGS OF THE LATTER.

“The Bishops were not slow in carrying out their threats and taking possession of the rights which the Governments continued to dispute. They made choice of two methods for attaining their end. At first they refused to take part in those acts of the ecclesiastical administration, which, by the ordinances then in force, required the co-operation of the clergy and the Government, or they did not carry out those orders of the Government which they regarded as contrary to their rights. This kind of passive resistance had already begun at the time of the revolutionary movement of March, 1848. The Bishop of Rottenburg had then refused to take part in the nomination of the rural deans, and to send a commissioner to the examination to be passed in Stuttgart by the priests who were candidates for livings. Soon afterward the whole Episcopate went further; it refused canonical institution to the pastors appointed by the head of the State as such, and no longer recognized as binding those orders of the board of public worship which appeared to it to encroach on the episcopal prerogatives or jurisdiction.

“At last the Archbishop of Fribourg, and subsequently the Bishop of Limburg, passed from passive disobedience to active resistance.*

“They appointed pastors to the vacant parishes in virtue of their pontifical power. The Archbishop gave to a certain person power of attorney, with the right of representing him within the chapter itself, without giving notice of what he had done to the Government; he no longer requested permission from Government to publish his decrees, or to execute any acts of his jurisdiction whatever. He caused the preliminary examinations before reception into the seminaries to be carried on in his own name,

* An apologetic letter of the Archbishop, published at Mayence, represents all these acts as implying merely a passive resistance. This is really too naïve.

and refused to admit to them the civil commissioner; in a word, he placed himself above the ordinances legally sanctioned by Government, and which he and his predecessors had hitherto always respected and obeyed. Finally, on the 5th of August, 1853, he entered into correspondence with the members, lay as well as ecclesiastical, of the board of Catholic worship at Carlsruhe, for the purpose of inducing them to resign their places, as obliging them to exercise functions incompatible with the duties of a Catholic Christian. Not one of them having acceded to his proposal, he launched against them a sentence of excommunication, which was personally signified to each of them on the 20th of October, 1853. Thus he came to an open rupture with the Government, and war was declared.

“The Government of Baden found itself obliged to make reprisals in order to maintain the laws actually in force, and to make its own authority respected. In the first instance it chose the least severe means of arriving at this end: instead of instituting a criminal prosecution against the Archbishop, or causing him to be arrested, he was placed under guardianship; an edict of the 7th of November, 1853, prohibited the publication or execution of any act emanating from him without the counter-signature of a special commissioner named by the Prince Regent, who selected for the post the first magistrate of the district of Fribourg; the Archbishop immediately excommunicated him, which, however, did not prevent him from fulfilling his painful office. The Archbishop caused all his sentences of excommunication to be solemnly published, and charged the pastors of Fribourg and Carlsruhe to read them from the pulpit, which they caused to be done by their curates. It is, however, to be remarked that the archiepiscopal chapter solemnly declared itself to agree in all points with the views of its head.

“The Government replied to these new demonstrations by pronouncing penalties of fine and imprisonment on those who took part in them.* The Grand-Vicar of the Archbishop was successively condemned to fines amounting to several thousand

* All the magistrates, with the exception of a very small number, were active in prosecuting those ecclesiastics who rendered themselves liable to it. The few who refused to do so were deposed from office.

francs. All those persons who had executed the orders of the Archbishop which had not the counter-signature of the special commissioner, were threatened with these penalties; while the deans and pastors who remained faithful to the legal order of things were assured of the protection of the Government. The Archbishop endeavored to justify his conduct in several proclamations, which were printed secretly, or published beyond the frontiers. Finally, he commanded (still without the authorization of the special commissioner) every pastor to preach four sermons, expounding his position toward the State, the violation which had taken place of the rights of Holy Church, and the object of his extraordinary proceedings. The clergy found themselves in a position of great embarrassment; the majority obeyed, with or against their will, the orders of the Archbishop; the recusants were suspended or deprived of their office, and some were even excommunicated. In very many places the communal councils entreated the Archbishop to withdraw his command concerning the four sermons, or abstained from attending them, and in some cases the whole parish did the same. The Archbishop was inexorable, and steadfastly declared that he would persist in the line of conduct he had marked out for himself until justice was rendered him. On the other hand, the preachers who had distinguished themselves by their warmth, were summoned before the civil tribunals.

“The spectacle, hitherto unparalleled in Germany, of such a war to the death, produced the utmost astonishment; and the clerical journals in all countries were constantly occupied with its discussion. In some it was represented that the cause of religion and the Catholic Church was undergoing a cruel persecution: and the Baden Government was attacked with such virulence, that the editors of several foreign journals were summoned before the tribunals and condemned for contumacy. On the other hand, some attempted to gain over the Prince Regent of Baden, and the other sovereigns interested in this great question, by soft words and flattering insinuations, and sought to persuade them to abandon the system that they had hitherto followed, to separate themselves from the counselors of the Crown, and to embrace the sacred cause of the Church, which was represented as their own; the alliance of the altar and the throne was held up as the strongest guaranty of the stability of the latter, and the surest pledge of

its triumph over democracy, which was depicted as the common enemy of both.

“Subscriptions were opened in Bavaria and the Rhine provinces, and other parts of Catholic Germany, as well as in France and other foreign countries, to indemnify the priests who were martyrs of the Church.

“A large number of addresses of condolence and congratulation from the Bishops and the Catholic clergy of almost every Catholic country, as well as a papal brief, arrived at Fribourg to sustain the courage of the prelate under his so-called persecution. Some even pretended to see in this affair a war of Protestantism against the Catholic Church, although the Protestants, except a very small number, had remained silent spectators of a struggle which could not, however, raise the Church in their eyes. It is true that among the journals which took the Government side there are several edited by Protestants, but the great majority of the better class of Catholic journals belong to the same party. As to the mass of the Catholic population, it has remained indifferent to this conflict: it is sufficiently enlightened to perceive that the Catholic religion has suffered nothing, and has nothing to fear; seeing that *the order of things which the Bishops now stigmatize as tyranny has subsisted peaceably for half a century, without a single open complaint having been made.*

“Almost every one regards this conflict merely as a personal affair of the Bishops, who aspire to extend their power; there is even a large number of persons who fear that the victory of the Bishops might be prejudicial to the liberty of conscience.

“The Baden Government at first entered into negotiations with the Papal Nuncio at Vienna, hoping to put an end to the contest by the help of an arrangement with the Pope. It is to be remarked that, with the exception of the Bishop of Limburg, whose diocese includes the Duchy of Nassau and the city of Frankfort, the heads of the other dioceses have not followed the example of their Metropolitan; that of the electorate of Hesse has, in some measure, withdrawn from the coalition, trusting to his personal influence over M. Hassenpflug, the prime-minister of that country, for the adjustment of all differences. The Bishop of Rottenburg has addressed himself to the King of Wurtemberg in person. A kind of armistice was first agreed upon, and in the month of January last a compromise was concluded, which was

formed into the proposals for a convention, and transmitted by the Bishop to the Pope. Nothing positive has transpired as to the clauses of this arrangement, or the negotiations of the Baden ambassador at Vienna. The most ardent, however, among the leaders of the clerical party have betrayed a certain dissatisfaction with the pacific issue of the grand struggle.

“It was in the midst of this ever-increasing agitation of the public mind, constantly excited by anonymous pamphlets and fugitive letters filled with invectives, that the opening of the Chambers of the Grand Duchy of Baden took place. Public attention was generally directed to that passage in the speech from the throne which would necessarily refer to the disputes with the Church. The Prince Regent alluded to them with equal dignity, tact, and reserve: he expressed his sincere regret that the desire of the Archbishop to see his power more extended than it could be in conformity with the laws and the existing ordinances, had given rise to a kind of schism between the Episcopate and the Government, notwithstanding the attachment which he himself, his late father and grandfather, had always manifested to their Catholic subjects, and notwithstanding their respect for that religion and their zeal for the Church; that it was against his will that he had been forced to take severe measures for the honor of the State and the authority of the law, but that he hoped that all would be terminated by an arrangement, etc.

“In their answers or addresses of the 22d of January, 1854, the two Chambers expressed their fullest sympathy with the Prince Regent in this matter. The Lower Chamber, in particular, which is principally composed of Catholics, expressed itself on this occasion in a very remarkable manner; it said: ‘We regret the more deeply the painful complications to which the extraordinary proceedings of the archiepiscopal see have given rise—proceedings so opposed to the fundamental basis of our political organization—because the measures which your Royal Highness found yourself compelled to take in order to preserve the prerogatives of the Crown from attack, have provoked ulterior acts on the part of the ecclesiastical authorities, which might easily have disturbed the public peace, and occasioned serious disorders, had your faithful subjects been less attached to their duty than they are. Whatever errors may be current in foreign countries with regard to these events, which have been

rarely placed in their true light, your people has proved by its attitude, and by its firm confidence in your Highness, its persuasion that the sacred cause of its religion is exposed to no danger. The remembrance of the benefits with which the Catholic Church has been loaded from the time of your illustrious grandfather, Charles Frederic, up to our own day, and the assurance of your Royal Highness that the Catholic faith is not less dear to your heart than your own confession, strengthen it still more in this conviction. We, the representatives of the nation from all parts of the Grand Duchy, believe that it is our duty to lay this assurance at the foot of the throne; and to bear this public testimony, that the affection of your subjects and their deep conviction that you render to all the same impartial justice, and that you have the same equal desire for the welfare of all, have suffered no change whatever in any part of the country in consequence of these differences. Your faithful deputies hope with confidence that an arrangement with the ecclesiastical authorities may be arrived at, which shall not derogate in the least from the dignity and the prerogatives of the Crown.'

"Conformably to the declaration made to the Chambers, the Prince Regent determined to send an envoy to his Holiness, in the hope of terminating amicably this great contest.

"He made choice of Count von Leiningen, known for his attachment to the Church, and joined with him a young secretary who had assisted at the conferences of the envoys of the united Governments which had been held, as we have said above, at Carlsruhe. To secure him a welcome in Rome, the Prince revoked the ordinance of the 7th of November, 1853.

"The Government of Baden reasonably expected that the Archbishop would respect the *status quo* until the decision of the Pope was known; but this was not the case: aggressive measures were immediately resumed. The Archbishop was no longer contented with merely nominating pastors on his own authority, but he prohibited all ecclesiastics from presenting themselves at the examinations in matters of religion, so long as they should take place in the presence of the Government Commissioners, and decreed the establishment of a school for students of theology at Fribourg, in a building belonging to the State; further, he caused all the Churches to be closed wherever his nomination of the pastors had not been recognized by the Government.

This hostile act did not alter the moderate conduct of the Government: unwilling to deprive the Catholic communities of the opportunity of worship, it permitted the pastors nominated by the Archbishop to exercise their office as temporary curates. Yet this condescension did not satisfy the Pontiff, who went still greater lengths on the road of arbitrary aggression. He commanded the churchwardens to put his pastors in possession of the revenues of the living. As these officials refused to lend themselves to his design, and he himself no longer recognized the board of Catholic worship as having a legal existence, he put forth on the 5th of May, 1854, an ordinance intended to prevent his pastors from being left wholly without support, by which he enjoined all the communal boards to recognize no authority superior to his own; he deposed the recusant members, and commanded his pastors, in their character of president of these boards, to take possession of all the documents relative to the financial administration of the parish.

“This last measure occasioned the greatest perplexity in the local administration of the ecclesiastical funds; a small number of the members of these boards submitted to the episcopal decree, a larger number resigned office, the great majority resisted the decree altogether. Its execution was vigorously opposed by the Government, and the civil authorities found themselves obliged, in many places, to arrest the pastors. The Odenwald, where the populace forcibly prevented the arrest of the priests, was the scene of several riots; the Government was compelled to have recourse to military force to make its authority respected.

“On these grounds the judicial authority, seeing in the episcopal decrees of the 5th of May a manifest abuse of power, and an open violation of the law, as they contained a formal injunction no longer to obey that law, took the preliminary steps for exerting its power. The instructing magistrate of the court of Fribourg visited the Archbishop, and when the latter refused to answer the questions addressed to him, placed him under arrest in his palace.

“The Pontiff protested against this judicial act, interdicted the ringing of the church bells and the performance of high mass, and addressed, on the 20th of May, a protest to the court of justice against the proceedings commenced against him, asserting that, in ecclesiastical matters, he had no judge but the Pope. Nevertheless, he afterward submitted to the interrogation of the

magistrate, and, in the course of a few days, was restored to liberty. The inquiry was soon terminated, and the criminal court of Fribourg is at present occupied with examining the cause, in order to deliver its definitive judgment. On the part of the Archbishop, the interdict was raised when the arrest was at an end."

From this purely historical and juristic analysis, it appears conclusively, that of the main points which the civil government refused to abandon, there was none but what had been in substance asserted and established in practice by France—nay, by Bavaria, and, up to 1850, even by Austria, as regarded their bishops; none but what lay within the reservations on behalf of the supreme right of the State in the compact which had been made with Rome. While referring to the extract above given for individual facts, I will only allow myself to make a few observations on those points which stand closely related to our problem; and then carry on the historical statement from July, 1854, where our extract breaks off.

To carry out its principles of self-defense, the Government opposes to the pretensions and encroachments of the episcopate a very thorough system of bureaucracy. In this instance I confess that I have been made to feel afresh with pain the correctness of the political view which we both advocate—I mean that centralization is incompatible with the training of the people to true freedom, and, in the long run, enfeebles rather than strengthens the power of the State itself. I am here speaking of the common continental system of bureaucracy, which is a tutelage extended to the minutest details of life, exercised over the people in the name of the State; which recognizes no sphere of independent action whatever besides its own, and more par-

ticularly excludes all independent congregational action. A bureaucracy of this kind, which strengthens the fiscal element of the old absolutism by such a mechanism, embracing the smallest details of police regulation, as that introduced by Napoleon, is nowhere less suitable and more dangerous than when employed in ecclesiastical matters, and all relations with the clergy. As soon as a spirit of religious attachment to the Church is awakened, the Government finds itself at fault. Thus, in the case of various official forms insisted on by the ministerial declaration of 1853, issued without the force of law, it has proved not only difficult, but downright impossible to carry them out; still more often do they in practice fail of their effect. That this ordinance has a legal basis is incontestable, and equally so that it is a step in advance toward the introduction of a freer system as compared with the ordinance of 1830. The only question is, whether it would not have been well to have attempted at once to frame a definitive law, conformable to the principles of constitutional monarchy, and aiming at the greatest possible amount of liberty. In our days, a constitutional State with a Protestant dynasty can not recur to the forms of public law in use in the eighteenth century, without placing itself in a false position. What formerly seemed, or really was, a protecting tutelage, is now felt to be an oppressive governmental interference. No doubt the demands of the bishops exceed all bounds, and must ever remain inadmissible; for the hierarchical canon law, on which alone the prelates take their stand, admits of no conditions. The bishops are wishing to reduce the principle of the unconditional authority of their Church to a present reality, and this by virtue of divine and legal right. But when the Government, on their side, confront them with equally absolutistic principles

of administration, drawn from the canon law of despotism, they betake themselves to the ground of the bishops themselves—namely, that of unconditional power, and therewith to that of intolerance, of slavery—in short, to the ground that is fatal to themselves, and to the present generation.

The unconditional canon law of the Romish Church either recognizes no relation toward the State, or one of subjection on the part of the latter; that is, a despotic, unchristian, hostile relation. The only Christian defense against this is to grant legal rights and liberties for all. The primary origin of the conflict lies, as we have seen, in an old sin, in a wrong committed by both powers—the suppression of the rights of the Christian congregation. The dying out of the Christian congregation in the Catholic Church of the eighth century, is the source of the inward weakness of the hierarchy of the nineteenth; and the dying out of the civil congregation in a feudal police-State become absolutistic, is the weak point in the monarchy of our days, as opposed to the same hierarchy. The functionary system of the princes was contrived to supply the place of this congregation in a despotic State, and to exercise their rights “in the name of the State;” this was the final solution reached by the previous century; good, when necessary, as a dictatorship—ruinous, fraught with positive injustice, and, therefore, with the germs of death, when conceived and treated as a permanent legal condition, above all in such an age as ours, and in the present conjuncture of affairs in Europe.

The question is, therefore, whether the existing constitutional system affords a solution that answers to the actual condition of society. The highest authorities of the Roman Catholic Church declare that they waive

their unconditional claims only in deference to the overpowering force of circumstances, that they will never give way, except under coercion—and then only as a matter of fact, not of principle. They have also announced their intention, in no ambiguous terms, to have recourse to self-redress, and even to push matters to an actual civil war, as soon as they think they can do so with success.

The liberal party on the continent have gradually emancipated themselves from the folly of their predecessors, who imagined that the encroachments of the clergy could be successfully repelled by the despotic police and fiscal system of Joseph II. and Napoleon the Great. Those worthy people had suffered themselves to be deluded by old Lamennais and other ultramontanists into the idea, that the knot could be loosed by the cheap talisman of a separation between Church and State. Yet none of these wise men attempted to any purpose to show how, with regard to certain questions of social life, we were to arrive at such a separation as could at all events *cut* the knot: in the first place, with regard to marriage and public education—points on which the State necessarily comes in contact with the ecclesiastical corporations; and secondly, with regard to the administration of the Catholic Church revenues, except where these are, by common consent, the property of the congregation. In the Grand Duchy of Baden, the whole amount of the property belonging to the Catholic Church may be estimated at no less than sixty million florins (125,000,000 francs), if we add the capital to the yearly revenues, and capitalize the latter at five-and-twenty years' purchase. It is worth the trouble to take a survey of the component parts of this property. We have here four different classes of property:

1. Funds for the maintenance of the cathedral chapter, the seminary, and the cathedral benefice. These are managed by the cathedral chapter; the Catholic High Church Council audits the accounts.

2. The general ecclesiastical fund, formed of sequestered ecclesiastical foundations, and the dues belonging to vacant benefices (intercalary funds, in the official language of the canon law). This capital amounts to 800,000 florins; the current income and expenditure from 120,000 to 130,000 florins. This considerable branch of Church property has been accumulated and kept up by the provident efforts of the Government, and, by universal testimony, is managed with the greatest conscientiousness by the Supreme Ecclesiastical Board.

3. Funds belonging to the parishes and districts, and for the support of churches, schools, and the poor, in the several localities. These funds are in the hands of local boards, for the management of endowments, presided over by the parish priest. The Supreme Ecclesiastical Board exercises only a general supervision.

The capital of these revenues is estimated at about 20,000,000 florins. By the constitution, the whole of this property is placed under the protection of the laws, and therefore every abuse can be brought before the ordinary courts of justice. The Supreme Ecclesiastical Board is composed exclusively of Catholic members, clerical and secular. Not a single complaint has ever been lodged against it for bad management or injustice, still less for peculation.*

* Comp. Warnkönig: "Ueber den Conflict des Episkopats," etc., and a pamphlet written with great fairness, and much information, entitled "Auch zur Antwort über den derzeitigen Kirchenstreit." February, 1854. In this brief essay, the numerous errors and misconceptions of Canon Hirscher are exposed. It has been attributed by Warnkönig (Schletter's "Jahrbücher

4. The incomes of the livings. This, which is the most considerable branch of Church property, amounts, including capital, and capitalized income, to about 20,000,000 florins. It is managed by the parish priests themselves, who apply it at their discretion. The Bishops and Government exercise a joint supervision over the maintenance of the capital.

Now the Episcopal Court claims the sole management and supervision of the whole of this property, to the utter exclusion of the State; and at the same time does not surrender its claim to grants from the State. All this is said to be nothing more than compensation for the ecclesiastical revenues that have been confiscated. So things are on quite a different footing here from what they are in France or Belgium, where such proceedings as those of our Bishops would be called simple treason, which, strictly speaking, they really are. In these countries the Church property was confiscated long ago by the State, and the Church is satisfied with the scanty residuum allotted to her. Thus it would be impossible to concede the demand of the Bishops without violating the principles of the greatest Christian fairness, and the most liberal constitutional treatment. It is the same with education. The monopoly of education and mental culture by the State is certainly not better than by the clergy—here, too, the principle of freedom is still new on the soil of Napoleonic centralization. In both domains the principle of freedom can not be administered by mere official action, but only by calling in the aid of Catholic con-

der deutschen Wissenschaft") to a distinguished Catholic functionary in Carlsruhe; and the statements of the article in Cotta's "Vierteljahrschrift" for 1854 ascribed to M. von Linde, coincide with this.

gregational activity, as Wessenberg as recently advised afresh.

In all its proceedings the Government evidently stands upon the ground of the law. It opposes to the unconditional claims of the Bishops the right derived from the existing laws of the land, and the intrinsic reasonableness of those laws. Yet things can scarcely remain long at the point which they have reached. One thing is already clear: the State can no longer retain its right of supervision in the form of an exclusive administrative guardianship. Still less can it derive its right and its practice from the usages of the eighteenth century; in those cases where an active participation of the clergy is required, the secular power can restrain the priest's hand, but it can not impel him to impose it. It has the right to cancel an inadmissible verdict of the episcopal tribunals as invalid, but has not, therefore, any right to modify the verdict into accordance with its own views, thus making itself a partner in the unjust decision. Scarcely could imperial power suffice to accomplish this in a crisis so grave as the present, in which, moreover, under one form or other, a hierarchical tendency has so strong a hold on the popular mind.

But, above all, it is not right. It will not do to oppose to a *right*, however one-sided, nothing more than a consideration of mere State expediency.

On these grounds I can not but term it a lamentable blunder, and a decided anachronism, that in 1852, at the obsequies of the Grand Duke, the Government should have required the Archbishop to order a mass for the dead to be performed, as his predecessors had always been used to do under similar circumstances, without raising any objection. His refusal was certainly most uncourteous; and it was further contrary to

the usage of a more liberal age. But that age was also really one of confessional indifference—nay, an age in which, in many quarters, there was much indifference even to morals and religion. We have at all events, now-a-days, to take other spiritual elements into the account, not only in the Ultramontane party and in the clergy, but also in the people; and the Catholic Church supplied other suitable forms for the expression of the people's sorrow at the death of their Prince and attachment to his memory. And lastly, it really seems to us little consonant with the dignity of the Ministers of a Protestant sovereign to entreat the public prayers of such a hierarchy. So likewise it appears to me an inconsistency when the State binds itself, or thinks itself authorized to co-operate actively in acts of the clergy within the sphere of their own canon law. And thus I can not but find it a questionable thing when it is said in the edict addressed to the bishops in 1853, "Censures (punishments which the bishop has the power of inflicting on ecclesiastics) need the sanction of the State only in those cases where the aid of the State is required for their fulfillment." A constitutional government, and especially a Protestant one, should never condescend to make itself the executioner of ecclesiastical censures. Every government must have the right to afford protection to all, be they clergy or laity, who complain of the violation of their civil liberty or rights of property, through the abuse of ecclesiastical power; and this is what the governments of France and Baden have done. And in such cases, the more the civil government can restrict itself to the application of universal legal enactments, and leave every thing to the ordinary tribunals (rather than to the Council of State, for instance, in France) the more secure it is of keeping in

the right path. But then there must be no question of State sanction, but only of its decision respecting the legal consequences of the dissolution of a contract by the one party alone, such as that between a bishop and the incumbent of a living, as regards the revenues. Any thing beyond this is to be reckoned among the blunders and inconsistencies of the modern continental State.

But on the side of the Bishops we find not merely a passive resistance—they preach active resistance; nay, insurrection. The Archbishop unquestionably resorted to self-redress, and proclaimed *open war* against the Government, when, in conjunction with the four bishops of his province, he declared on the 12th of April “That from henceforward he would withstand the laws of the State, in so far as they affected the Church, and contradicted her dogmas.” And that he acted upon this declaration is proved by subsequent events. He prescribed that four sermons should be preached in every parish, in order to make the wrong committed by the Government clear to the people—an order that in France and every other Catholic country would have drawn down upon him a criminal prosecution before the ordinary tribunal.* The Archbishop filled up livings, without reference to the right of co-operation hitherto exercised by the Government. But when the Government, on their side, appointed incumbents to parishes of which they claimed the right of presentation, and where they had hitherto exercised it without dispute, the Archbishop launched a sentence of excommunication against the members of the Catholic Supreme Ecclesiastical Council—laymen and officers of State, who had simply done what they were bound to do. But, accord-

* *Code Pénal*, Art. 201–203. See Laboulaye’s Essay in Wolowski’s Law Gazette, which is cited in Appendix A.

ing to the Ultramontane interpretation of the canon law, even to do this is a crime which excludes from Christian communion. "We must obey God rather than man" is a well-known maxim in that system; whatever may become of God's voice—the personal conscience of the individual—we ought unconditionally to obey the ecclesiastical court rather than the secular one; and this is commanded on pain of exclusion from the means of grace belonging to the Church—therefore, as far as lies in human power, from eternal salvation.

The Government, however, did not respond, as they might have done, by stopping the income of the Archbishop, but placed the execution of the ordinance of the 7th November, 1853, in the hands of the head magistrate of the district of Fribourg, whom the Archbishop thereupon excommunicated. On their side, the Government caused some parish priests who had taken part with the Archbishop to be arrested on account of illegal acts which they had committed in their office, and imposed fines on them. Meanwhile the Government had announced their intention of entering into negotiations with the Nuncio in Vienna. But already, in December, 1853, the Pope put forth an allocution, in which he declared the Archbishop entirely in the right, and soon after gave him to understand that his acts met with his highest approbation. On this, in order to be able to commence negotiations with Rome, the Government recalled the ordinance of the 7th of November. On the other hand, the sentence of excommunication against the Supreme Ecclesiastical Council and the first magistrate of Fribourg was not recalled, which certainly, considering that they had simply performed the duties of their office, without any act of personal hostility,

would have been done by any one else. A bishop, however, who places the unconditional canon law above God's Word and above justice, sees the case in a very different light. It is said that he gave hopes of a pardon, if the condemned individuals professed their repentance. How could they do so, when, in carrying the law into effect, they had already made a declaration that they only did their duty as officials, and they had never even been accused of any personal violation of their duties toward religion and ecclesiastical authority.

But all this would hardly have come to pass if the Government had quietly advanced on the ground of their political and constitutional rights, and come to an understanding with the country by means of the Chambers. By negotiating with Rome, they took up beforehand a position on which they must inevitably be defeated; and by refraining from a judicial inquiry into acts of encroachment provided against by the laws, they allowed the only weapon which is feared by the hierarchy to be taken out of their hands. There is not the slightest doubt but that the functionaries and clergymen on whom that spiritual penalty was inflicted, had a right to expect the judicial protection of the executive power. Can we therefore wonder if, on all sides, things began to take a turn unfavorable for the Government? The revolt that had been preached did not take place, but the decided spirit of opposition to the hierarchy shown by the Chambers, and throughout the country, could not but cool down when the Government did not stand up for its own rights, and those of the citizens, on the ground of law. The disposition to maintain the laws of the land and the majesty of political rights, had been manifested most unmistakably at the opening

of the Chambers in January, 1854. On that occasion, when the Prince Regent alluded to these circumstances in dignified terms, and expressed his confidence in the deputies and the people whom they represented, the enthusiastic response which followed was the most conspicuous proof that the first wish of Catholics, no less than Protestants, was to see the law of the land upheld in its integrity. The number, too, was very inconsiderable of the parish priests who had shown any inclination to comply with the first illegal commands of the Archbishop. They continued to transact business with the ecclesiastical department, and the administration of the revenues of foundations suffered no interruption. But were they not now, to some extent, left in the lurch by the Government, and exposed to the ecclesiastical vengeance of the Archbishop?

It might have been imagined that the Archbishop would now, on his side, adopt a milder course. But his conduct by no means justified these expectations. Any joint action in the management of ecclesiastical affairs proved to be attended with greater difficulty than in the earlier stages of the contest. The Archbishop subjected all the parochial clergy who had yielded compliance to the Government to a spiritual censure: and on the 14th of May, issued a Pastoral forbidding the local boards (who are charged with the management of local foundations, under the joint superintendence of the State and the Archbishop) to give an account of their expenditure to the ecclesiastical department, as prescribed by law. The Archbishop, next, even went so far as openly to call upon the individual Catholic congregations to take things into their own hands, thus inciting them to active resistance, and rebellion against the laws of the land. These are the words

of his Edict concerning the priests whom he had appointed to livings: "To the several parishes is intrusted the duty of protecting, by suitable means, the pastor legally set over them by the Curia, and securing him in the possession of his living." The spark did not kindle; only in a small number of country parishes was it necessary to quarter a few companies of soldiers for a short time; the great majority even of the rural population remained tranquil and faithful to the Government. The answer of the city of Fribourg to the excommunication of her first magistrate, was his election as honorary citizen at the expiration of his term of office. But it was no thanks to the Archbishop that the country was not made a prey to disorder till the claims of the hierarchy were satisfied.

The entering into negotiations with Rome was, therefore, from the outset, an error and an unfortunate step for the Government. For as early as the year 1830, and repeatedly since then, the Pope had called on the bishops to adopt the very course of which the Government had to complain. How, then, could he declare them in the wrong, when they had so evidently pursued the course indicated to them?

Now, as a last resort, the Government turned in the right direction, and recurred to the ordinary course of law. They instituted criminal proceedings against the Archbishop, and on the 19th of May caused him to be arrested, on a charge of having abused his office to the endangering of the public peace and order. In this way the Archbishop suffered some days' confinement in his palace, namely, during the preliminary hearing of the case, as the laws prescribe. As soon as the judicial investigation had formally commenced, the arrest was at an end, and the Archbishop held perfectly free com-

munication with the world. It need hardly be said, that during this short time of arrest the Archbishop was treated with the greatest respect, and all the consideration due to his age and high dignity. This, however, did not prevent numbers of the pious from rushing to his palace on the news of his arrest, in order to be refused admission, in accordance with the general rules of court; on which they, of course, revived the cry of persecution and martyrdom. The public press of Baden and Germany, in which every particular relating to this affair was recorded and discussed by both parties, affords the best refutation of these falsehoods and exaggerations. Without a doubt a jury would have maintained the law of the land. As the legal mode of commencing such a prosecution, the arrest of the Archbishop was not merely a justifiable step, but a necessary one, commanded by respect for the law. In the same way, the arrest of the Archbishop of Cologne in 1837 was perfectly justifiable, on the supposition that the Government intended to cite the Archbishop before his lawful judges, if Rome should decline to silence him; and, on this supposition, those proceeded who had counseled his arrest, as the documents would unanswerably prove to all the world if they were published. The Government of Baden was therefore perfectly in order when they caused the Archbishop to be put under arrest, and examined according to the rules of court. Instead, however, of allowing the judicial proceedings really to follow, they accepted in September the offer of mediation made by Rome on the 25th of August, and announced the terms of the provisional agreement on the 14th of October, on which the Archbishop notified the same to his clergy on the 18th of November. According to the text of this Edict of the 14th of October, in the first place the proceedings

instituted against the Archbishop are quashed, "since an agreement being arrived at respecting the management of local ecclesiastical funds, the occasion for a judicial investigation is removed." Secondly, those ecclesiastics or laics are to be set at liberty who may have been imprisoned for executing an order of the Archbishop, with reference to "the diocesan government or administration of Church property;" and the investigations still pending with regard to such acts, are to be quashed. Thirdly, the cure of souls is provided for by the regulation, that "the Archbishop is to appoint fitting clergymen to perform the parochial duties, to whom the Government will cause the usual daily stipend (a florin and a half per diem) to be paid, after deducting the remainder of the income of the living." Thus the filling up of the living is suspended until the final arrangement is made between the Government and the Archbishop. On this follows, as the fourth article, the announcement that the administration of the local Church property is to be carried on as before the dispute arose. This, therefore, includes the rescinding of the Archbishop's prohibitions of intercourse with the Government. On the other side, the fifth and concluding article declares, that the ministerial ordinances in reply (the Edicts of the 18th of April and 18th of May) are canceled on the part of the Grand Ducal Government.

It can not be denied, that in this preliminary convention, the Curia only gives way on one point, namely, with regard to the Administration of Church property, which the Archbishop had brought to a stand-still, by forbidding the officials concerned to transact business with the Government. As regards Church discipline, Rome upholds the Archbishop in every step, including the excommunication of the Supreme Ecclesiastical

Council. The Government gives way on both the points in dispute. It cancels all legal proceedings against the Archbishop and his priests, not only with reference to the present dispute, but also with reference to the government of the Church, and confirms the illegal nominations of the Archbishop. It only insists that the persons so nominated shall be regarded as curates, not incumbents, and therefore receive only a portion of the income of the benefices. At first it appeared as if the whole execution of the convention would suffer shipwreck on this point. The persons excommunicated refused to sue for pardon, since they had simply done their duty. On account of this, the clergy were unable to enter into the relations with them that were necessary to the carrying on of the administration. After some hesitation, the Archbishop empowered the parish priests, by a circular issued in February, 1855, to hold dealings with the Supreme Ecclesiastical Council in the matters affecting the revenues of endowments, but to refrain from all other intercourse. This is the position in which affairs stand, up to the present moment.

Now, what would have been the probable result, if the Government had simply pursued a constitutional course? No doubt, if the dispute had been arranged by an appeal to the courts of justice, the necessity would have been still more apparent of a clear, honest, liberal law, defining the position of the State toward the Church, which might have replaced the ordinances of 1830, and of March, 1853. Hence there seems nothing left for the Government to do but that, which done in January, 1854, would have averted much mischief—I mean, that they should lay a project of law before the Chambers, defining the existing regulations in the sense of true legal and constitutional liberty, and, where necessary,

altering them so as to adapt them to present circumstances. By so doing, they will thus reward evil with good, encounter the hierarchy with Christianity, and oppose to the claims of the canon law the majesty of political justice and civil freedom. Such a law might be assimilated, in some respects, to that of France and Belgium, in others to the existing regulations in Prussia; at the same time, however, keeping in view the points of difference in the legislation of those countries, and the existing compact with Rome. In any case, the law would have to be as liberal as possible, and to contain a penal clause. The more fair and just a law, the greater security is there for its enforcement against every one, even against archbishops; for then public opinion becomes penetrated with that sense of law which was expressed some time ago in the remarkable words of the Sardinian officer, who had to keep guard over the Archbishop of Turin. The latter remarking that he no doubt felt it very painful to execute the orders of the Government, the officer replied, very simply—“Not in the least; for we all stand beneath the majesty of the law, which you have violated.” Such a feeling of the sanctity of the laws of our fatherland, makes even small governments and states more powerful than many larger ones. In his recent essay in Schletter’s “*Jahrbucher*,” Professor Warnkönig has appended the scheme of such a law for the province of the Upper Rhine, which, coming from so distinguished and experienced a man, certainly deserves attention. I therefore insert it in Appendix B, and beg to express my general concurrence with it.

You will observe that the seventh article of this project speaks of the execution of the sentences of the Spiritual Court. This might, perhaps, require a more

precise definition, in the sense of what has been said above. With regard to his eighth article, concerning popular education, the experience of France and Belgium shows that it is virtually putting the gymnasia and lyceums into the hands of the bishops, if you make it dependent on their pleasure whether Catholic religious instruction shall be imparted or not. The Government must, in any case, reserve to itself the right of choosing a master for religious instruction from among the clergy approved by the bishop. If he refuse on principle to send up candidates for the office, the Government must retaliate by suspending the episcopal revenues, as has always been its acknowledged right. With the other branches of instruction the bishops should have nothing whatever to do.

When I here give utterance to my convictions, I know that a Government so enlightened as that of Baden will not see any want of respect even in my criticisms, but only the candid remarks of a sympathizing observer. I make ample allowance for the embarrassment of their position. I fully recognize how greatly the violent and illegal conduct of the Archbishop and his adherents increased the difficulty of entering on the path of parliamentary legislation. Finally, I do not forget the respect naturally paid to the diplomatic representations of which we have heard, dissuading from an open constitutional proceeding with the Chambers, and to the urgent advice, proceeding from an influential quarter, to negotiate with Rome.

So much the more, however, do I hold it my duty to declare that I think the Government perfectly in the right when they expelled the Jesuits who were holding missions in the country, since that body enjoyed no legal recognition from the State.

Whether there ought to be a legal permission of the public labors of the Jesuits in the land, is an open political question, on the consideration of which I am not here called upon to enter. But it is no matter of question that such labors, in order to be legal, require an express legal resolution and edict. For a society which has been formally abolished, and that at the Pope's desire, can not possibly lay a claim to be legally re-established, even by the Pope's desire, without a legislative enactment. And in former times they have always demanded such an authorization in Catholic States. But, be that as it may, in Baden the Jesuits had no right to hold missions, nor the bishops to allow them to do so; and the Government simply availed themselves of their right; a step all the more justifiable under circumstances of so much perplexity.

The educational establishments of the Jesuits may certainly be regarded as those of private persons; and in that case, where universal religious liberty exists, they ought not to be excluded from the rights commonly accorded to private schools; it being understood, of course, that they submit themselves to the same inspection on the part of the State as all others. These, therefore, would be schools conducted by individual Jesuits. But schools belonging to the society presuppose (as do Jesuit missions in my opinion) the express permission of the Order by a law. This was the view taken in France under the Bourbons. But if the question under discussion be whether the Jesuits are to be recognized as a society with corporate rights, we must not overlook the fact that this society is distinguished from all other orders of the Catholic Church by its fundamental principle. It is a priestly institution for proselytizing and popular education, and a secret society, of which every member

pledges himself at all times to yield obedience to whatever decision may issue from the Pope of Rome, to uphold whose unconditional authority is the declared object of their Order. Laboulaye's verdict on this point in his articles on the history of the dogma of the Immaculate Conception, has never been answered, and is unanswerable.

All the States in which the Jesuits have once had the upper hand, banish them as soon as they are able; as we see now taking place in Spain and Sardinia: in all other Catholic countries they are the object of general aversion, both to the regular and secular clergy. That they have made their way into Prussia and Hohenzollern and established themselves there, can scarcely be an inducement to the Government of Baden to swerve from their secure footing on the law. The Catholic parochial clergy would vote for it as little as the people, but it is possible to intimidate the former.

As we have said, the ecclesiastical contest in Baden remains up to the present moment as far from decision as it was a year ago. The result of the negotiations that have been going on in Rome, and are now concluded, has not yet been made public. But enough has been shown, in the subsequent course of events, to enable us to recognize in the acts of the Archbishop the fixed determination of the bishops to uphold, in all their magnitude, those pretensions to supreme and unlimited power in all cases of collision between the State and the hierarchy which have hitherto lain dormant; and to attempt to enforce them in defiance of a Government strong only in the power of right, and in the attachment to law by which its enlightened and patriotic population is animated. In this contest the Government of Baden is the champion of the rights, not only of all the Prot-

estant Governments of Germany, but of all the States that have resolved not to sacrifice their own independence and the rights of their subjects on the altar of the canon law. The issue which we predict will be a benefit to all Governments, and to the clergy in the country itself. What are the expectations, on the other hand, of the hierarchists we learn best from their advocate in the voluminous essay already referred to in Cotta's Quarterly Magazine for last year. After having informed us that two hundred and forty bishops, and among them all the eighty-five of France, have expressed their sympathy with the Archbishop of Fribourg, and offered him their congratulations on the part he has taken, he draws from it the following tragic-comic conclusion :

“Hence it appears that all these bishops recognized the pretensions of the episcopacy to be founded on the canon law. The Pope, as the supreme judge of the metropolitan, has *decided* in his favor; his decision has thus become in the truest sense œcumenical: according to the law of nations there is now presented to the parties or guaranties to the peace of Westphalia and the Final Resolution of the Diet of 1803, by this decision of the Pope, a violation of the treaties which they have pledged themselves to maintain intact. What should hinder these powers from availing themselves of their rights in order to restore peace?”

Clearly nothing but the war in the East! As soon as this is over, therefore, the French and Russians are *bound* to invade Germany in case the Baden Government should refuse to give way, and the Emperor of Austria fail to do his duty. We take due cognizance of these patriotic opinions and hints, not to call them suggestions and instigations.

There only remains one thing more for us to do in

order to perceive the full historical import of the contest between the hierarchy and the State; namely, to consider more narrowly, in their mutual bearing, the three great points which must perpetually bring them into collision. This I purpose to do, my dear friend, in my next letter, for which you shall not have to wait long.

LETTER VI.

THE CONFLICT BETWEEN THE CIVIL LEGISLATION AND
THE CANON LAW OF ROME, IN ITS BEARING UPON
MARRIAGE, EDUCATION, AND PROPERTY.

CHARLOTTENBERG, June 26th, 1855.

VERILY, MY HONORED FRIEND, from all that we have had to relate and discuss in my last two letters, it seems that those who are raising the standard of absolute Church authority against the State are in bitter earnest. And they are waging a warfare not merely against the authority and majesty of civil legislation in general, but against the most vital elements of all national existence. For, as we have seen, the unconditional law of the hierarchy is not only, by its very nature as unconditional, incompatible with the legal conditions of an independent State, but also stands in an attitude of equally implacable hostility toward the intellectual requirements of the age. This holds good with regard to popular education, which, however, can not be suffered to remain on a footing utterly at variance with the political circumstances of a country, nor yet be surrendered into foreign hands; and is equally applicable to free research in the domain of history. The natural sciences are, at length, everywhere allowed free scope; but philology and history, and all free mental and moral or religious philosophy, find in our day greater obstacles than ever from the

canon law, and greater resistance than ever from the hierarchy which takes its stand upon that law.

I repeat it: what I have said is, I firmly believe, as true of a Catholic State as of a Protestant; and in saying it, I have had no reference to any particular Christian confession. The immediate question before us, in the first instance, simply concerns itself with the law. It is a question of the final consequences of that system which was planted by Boniface, but which he carried into practice (for he could not do otherwise) with moderation, and kept within bounds. Hence, however, it is a question whose root-principle affects the stability of law in all European States, Catholic as well as Protestant, and decides the future prospects of mental culture in Europe. Yes; we utter no exaggeration, but a simple, unvarnished fact, when we say that, humanly speaking, the point at issue is the civilization and freedom of the world, so far as Western Europe has a voice in the matter. For the science and culture which place our century in so high a rank, are certainly not the work of this hierarchy, and they have now escaped from its guardianship, as formerly from its persecution.

In the first instance, we shall limit our attention to the relation toward the State, and, ignoring all confessional considerations, proceed to consider those three great points to which we have alluded; not alone the two which the Würzburg manifesto places in the foreground—education and Church property; and we will begin with the third, whose championship the Bishop commits to the Pope, namely, marriage.

According to the views of the hierarchical or Ultramontane party, it is pure impiety on the part of the State to make the validity of marriage, and its legal consequences in the legitimacy of the children and the

right of inheritance, dependent on the vow or declaration of the contracting parties before a civil court, and the recording of their union in the registers of the State.

For the last three centuries, the conscience of educated nations has raised its voice in opposition to this view. And, really, one would be ready to think it a greater impiety on the part of the State if it took no heed to this fundamental pillar of its own existence. Nay, its Christian character consists in the truly Christian attitude which it assumes toward the conscience of the individual, when it leaves it to him to make himself a partaker of the blessings of that religious community to which he belongs. At an early date, the free citizens of the Netherlands had sought to obtain this end by establishing a so-called civil marriage for all who did not belong to the Reformed Confession. The Prussian code of Frederic the Great evidently sets the same end in view. But the Prussian lawgiver and the general sentiments of his age were still too much in bondage to the juristic and historical error of the Reformers, who imagined, that according to the law and custom of primitive Christianity, the religious rite constituted the contract of marriage, instead of merely hallowing it; whereas even the Romish canonists admit, that according to the ancient Church, the mystery, or as the Western Church expresses it, the sacrament, does not lie in the pronouncing of the blessing, but in the consummation of the marriage vow. This error was the chief source of the maxim laid down by the Prussian code, that the ecclesiastical ceremony was requisite to the legal validity of a marriage.

The Austrian code of Joseph II., already mentioned, was on this point less fettered by prejudice. He gave

less prominence to the benediction of the priest, without, however, directly and openly reinstating the civil ceremony in possession of its old rights. To have effected this in a logical and consistent manner, is the immortal merit of Napoleon the Great, and of the eminent jurists and statesmen whom he gathered round him. In England, Peel, the greatest English statesman of the age, has paved the way for the introduction of this wise measure; while observing due respect to the peculiar circumstances of the country and the existing usage, according to which a marriage was formerly valid only when performed in the Episcopal Church. Peel redressed this grievance on behalf of all Protestant dissenters, and established civil registers, under the management of lay officials. The Episcopal clergy are still able to solemnize all marriages, and retain their own books of registration, in which every marriage solemnized by them is entered immediately after the religious ceremony, in the same form as by the civil registrar; and is, indeed, registered twice—once in the parish book, and then in the quarterly return sent in to the superintendent registrar. The nineteenth article of the Prussian Constitution holds out a prospect of the introduction of civil marriage by a special law.

The justification of civil marriage is generally based merely on the rights and duties of the State, and this justification is perfectly adequate in the sphere of law. But it is time to expose the hypocrisy, or at least to unvail the absurdity, of the assertion now boldly revived, that an enforced religious solemnization is more consonant with Christianity. It is, on the contrary, precisely from the Christian point of view that civil marriage derives its recommendation. It alone is entirely in consonance with Christianity, and therefore pre-emi-

nently favorable to the highest good of peoples and states—namely, religion; inasmuch as it lays aside coercion, and gives, or rather restores, to a religious rite its voluntary character. For Christianity can only exert a power for changing men's hearts, in so far as the religious acts of the individual are freed from all constraint. Civil society, when, having culminated in a polity, it has risen to the full consciousness of its divine vocation, tolerates no legal coercion but that of the laws of the land, with whose maintenance the State alone is chargeable. But neither can the Christian religion, when awakened to the consciousness of its own inward and personal nature, tolerate any coercion—still less desire or demand it. The universal conscience of Christian men has long ago perceived that God's blessing rests only on such religious acts as are voluntarily performed. In our day this sentiment has found its verification in facts; not only in France, but in the Rhenish provinces. The facts adduced by Süsskind with regard to Belgium, to prove the contrary, and of which the retrograde party so gladly avail themselves, have arisen from the unique position assumed by this almost exclusively Catholic country toward the clergy, who are endeavoring to gain political supremacy. In the countries referred to, the feeling of the sacredness of the religious act has not diminished, but, on the contrary, increased where it exists; and has now revived even where it seemed to have died out. The experience of England and the United States yields the same result, as every one knows who is acquainted with the internal affairs of those countries. To protect the Catholics from coercion was also the object of that regulation in the Prussian code, which secures to Catholic couples the right of being married in a Protestant church where no objec-

tions to their union exist on the score of morality or the provisions of the common law. But the means are inadequate to the end, and the requirement of any ecclesiastical ceremony whatever rests upon an error. Even the law of Joseph II. (now, as it seems, set aside), although not clearly expressing the simply religious significance of the ecclesiastical ceremony, is a step toward the right path, which Napoleon at length entered upon. Thus both the German codes deserve, to a certain extent, our gratitude and approbation in behalf of Christianity and civil liberty.

Under Napoleon, in 1801, Rome had perceived that his system was not inconsistent with the general definitions of the canon law, nor with the usages of the ancient church; but since 1850 she can no longer be made to comprehend this. Wherefore? The Ultramontane party—which raised its head again upon the restoration of the Bourbons, and after the death of Pius VII., in 1823, became the ruling influence at Rome—thinks, in its blind fanaticism, that the salvation of the Church lies in the restoration of this error of the dark ages. But the main ground of the hatred with which the hierarchy in general regard civil marriage is, that they descry in it the means whereby the State emancipates itself and the consciences of its subjects from the yoke of the clergy. And this is the very end to be attained. It is, indeed, high time that the scientific jurists of Germany should rise to this point of view. But, as yet, there still evidently lingers a religious prejudice against civil marriage in the minds of some of the leaders of our so-called historical, or more truly Romish-romantic, school of jurisprudence. Lastly, the objections raised by the Lutheranistic theologians against civil marriage only furnish a new proof of the utter in-

capacity of this class to conceive any clear notions of jurisprudence, or to enter into the realities of the world around them. Beaten on the field of history, and driven from the position they had taken up in politics, they fall back on the religious feeling of the multitude.

Upon this point, then, an open war is being waged at this moment between the Pope and the Sardinian Government, under which the real point at issue is concealed, namely, that of toleration in general, together with the rights of Church property, and the suppression of monasteries in favor of the parochial clergy. An attempt will be made to give the struggle a religious coloring, by bringing prominently forward the question regarding marriage, while forgetting that the example of the neighboring countries of France and Belgium gives the lie to these accusations of irreligion. Thus here, too, we find a contest which can only end with the surrender of unconditional pretensions; and these are evidently in this case on the side of the hierarchy.

The second point is that of education. On this question, also, before the present raising of their standard by the hierarchical party, a practical settlement which gave general satisfaction had been attained. With regard to the education of the clergy, all Germany, with Prussia at its head, had adopted the system of Joseph II.; the clerical training to follow the general course of study in the national high school, the university to precede the episcopal seminary. Prussia, especially, had thoroughly carried out this system, with regard to the appointment of theological tutors at her universities, while observing all respect toward the rights of the bishops. Rome was acquainted with the system before and during the negotiations, and had nothing to say against it. In fact, its greatest crime in the eyes of the

hierarchy was, that its provisions left nothing to object to, so long as they were as yet unwilling or unable to prefer their unlimited pretensions. According to the prescriptions of the Council of Trent—the only ordinances respecting the episcopal seminaries received in Germany—the great episcopal seminaries for priests opened their doors to a young man after he had passed through the university under ecclesiastical superintendence, and thus received a preliminary training as a man and a citizen. Within his seminary the bishop reigned alone. The position in which these institutions stand toward the university, was not only unassailed by the clergy, but regarded with gratitude by the majority of them, as it was by the Catholic population in general. In fact, the Governments had simply acted by the advice of pious Catholic bishops and juriconsults, when they established things on this footing. The institutions they founded had raised the clerical profession from a state of ignorance and general contempt, to refinement and scholarship, and to corresponding respect from the public. The first Archbishop of Cologne, after the re-establishment of the see and chapter, found a seminary dating from the time of the French occupation, in which the larger part of the pupils could barely read the text of the Latin mass, far less explain it. Now, the pupils of the same seminary compete successfully with their Protestant fellow-candidates for the prizes given for scientific essays, and in other learned labors. With regard to popular education, things have taken a similar course. The reform in primary instruction, and the establishment of seminaries for schoolmasters, accomplished by that excellent and pious ecclesiastic, Prince Egon Von Fürstenberg, and the system pursued in Prussia, are the fruit of the same spirit. They pursue

the same end by similar methods and regulations. Why, then, are we suddenly told that all this is godless, an oppression of the Church, an insult to episcopal rights, a corruption of the Catholic people? Very simply, because since 1848 the Ultramontane party has thought itself strong enough to govern at will State and people, if it can but get the mastery over the clergy as well as the populace; or because it despairs of ruling the people any longer on any other system. The blindness or absolutism of this faction is so great, that they do not even perceive that it is precisely the Catholic Governments whom they endanger the most by the course they are pursuing—the Catholic States which they are undermining, and the Catholic populations which they are lowering more and more in general estimation, and whom they will, in the end, exasperate and drive to despair. I pass over, at present, the clerical party in Belgium, who are somewhat incautiously boasting of the Catholic feeling of the nation, and of the share which their own body has taken in raising the nation to independence. They forget that the nation won its freedom under the banner of universal liberty. While a complete separation of the Church from the State subsists as far as regards administration (for it draws from the State the means of subsistence), the Government finds increasing support from the country against the pretensions of the clergy to the exclusive direction of public education, more especially from the majority of the leading men in the nation, and from the cities of ancient celebrity.

As in France (whose code, including the organic articles of Napoleon's concordat, is in use in Belgium), the bishops are now seeking to contrive embarrassments for the Government, or, in other words, to purchase in-

tolerance by their abuse of the right accorded to them, of appointing a priest to give religious instruction in the lyceums or public high schools. But it is clear that this means of coercion, like any other, must wear itself out by use. Meanwhile, the experience of this State during the twenty-five years it has been in existence, is altogether in favor of the free university of Brussels and the national lyceums, as compared with the Catholic university of Louvain, and the episcopal seminaries. The latter have hardly arisen above the corresponding provincial institutions of France, while the national university is rising more and more to the level of the age; and even in the departments of mental philosophy and philology, may challenge comparison with the first universities of Europe.

In France itself, once the cradle of philological science, and long the seat of learning among the Catholic clergy, the aspect of affairs is yet more discouraging. The Ultramontane bishops have not been ashamed of the barbarism of endeavoring to banish classical studies as a homage rendered to paganism; and they have already succeeded so far, that the older French clergy can hardly point to one distinguished Latin scholar in their ranks, and in Greek not a single one. A more generous spirit seems awakening in the younger generation, and they are not Ultramontane. It is this extreme party which has given the French Government so much trouble by throwing obstacles in the way of a fair and reasonable execution of the Code Napoleon. It barter to the Government and the prefects its co-operation in the educational institutions of the State, in return for the unjust, and often positively illegal, exclusion of the Protestants from their benefits, and the closing of Protestant churches. It is the moving spring of the attack

made upon the property of the Protestant Church in Strasburg—the foundation of St. Thomas—which was guaranteed to the Protestants by Louis XIV. himself, and solemnly recognized as belonging to them by Napoleon I. ; an affair for the just and liberal settlement of which England and Germany look with trust, not unmingled with anxiety, to the present emperor. But what is the character of the influence exerted by this party on the popular mind, is proved by one circumstance, among many that might be named, which took place last year in an important town of Burgundy. At the time of the cholera, the magistrates found themselves obliged to advise the six or seven wealthy Protestant families who resided there, to retire into the country while the pestilence lasted, because the populace (the same which in 1848 was red to a man) had been stirred up to burn them the next night in their houses, as an acceptable offering to the Holy Virgin, who was visiting the city with the plague on account of the presence of those heretics. So much for education !

The third point for our consideration is the management of Church property. Here, too, it is easy to demonstrate that an irreconcilable contrariety subsists between the demands of the Ultramontane party, the necessities of society, and the rights of the State. No description of civil polity can less afford to give way to these unlimited pretensions to supremacy than the Christian State of our day—the State which is working its way up from revolution and bloodshed to order, civil liberty, and mental culture, and endeavoring to raise itself from poverty and financial embarrassment to prosperity and power ; in other words, the Continental State of the nineteenth century, in so far as it is yet capable of life in the year of grace 1855. According

to the Ultramontanes, the bishops are the sole depositaries and administrators of Church property. So says the Archbishop of Fribourg, so says Bishop Ketteler of Mayence, so their juristic champion, the Baron von Linde, the representative of the principality of Lichtenstein in the German *Bund*. Prussia will perform the promises she has given with regard to *the endowments*, but she can not recognize the bishops and chapters as proprietors of the Church revenues. To do so would be as unjust toward the Catholic laity as it would be suicidal for the State. Catholic Belgium has no more conceded this than France. And Baden can as little concede it, as the State of New York can allow Bishop Hughes to be the sole administrator of a fund amounting to five million dollars. The public will insist on the Church property being managed by committees of laymen, who, under the superintendence of the bishops, and in conjunction with the parochial clergy, will administer the moneys belonging to foundations, and render a public account of their expenditure. On the Continent, also, and especially in Germany, these freer forms will have to be generally adopted. From official tutelage, an advance will gradually be made to administration by Catholic corporations.

We have asked for freedom. The bishops assembled at Würzburg in 1848 also demanded freedom; freedom is what Bishop Ketteler calls for; but only freedom for themselves, for the Church, *i. e.*, for the corporation of bishops under the sway of Rome. They demanded the right of association when all demanded or possessed it; they attempt to exercise it when all others have been wholly or partially deprived of it.

Belgium and Sardinia maintain their ground against the storm, and withstand the machinations of this party

only by means of their legally established political freedom; for, during the last quarter of a century, constitutional monarchy has proved itself as mighty, as despotism has impotent, to sustain this contest. Belgium and Sardinia are flourishing, and develop daily new energy and vitality, while in Spain every thing is at the mercy of the next turn of the cards, because an immoral and imbecile dynasty has for the last few years given ear to the reckless reactionary instigations of this party, and open civil war is impending.

Which way, then, is the current setting? Is the hierarchy rising or falling in the balance? Is canon law, in all its absolutism, the last word of the century, or legality with its liberties, of which the only secure foundation is liberty of conscience? Freedom of conscience! But it is precisely with the conscience and its liberty that the hierarchy wages the most implacable and deadly warfare. To consider this warfare and the Signs of the Times as exhibited by the recent cases of persecution in our own day, shall be the business of my next letter.

LETTER VII.

THE CONFLICT OF THE PRIESTHOOD WITH CONSCIENCE;
AND THE RECENT PERSECUTIONS.

CHARLOTTENBERG, June 29th, 1855.

Feast of St. Peter and St. Paul.

THE hierarchical celebrations of the centenary festival in Mayence, my honored friend, reached their close more than a week ago, and without eliciting, as far as we have been able to hear, any remarkable sign of popular sympathy. We ourselves, however, will continue the train of meditation awakened by this festival, which we began on the day of St. John the Baptist, with his solemn warning to repentance for our text. On this day, consecrated to the memory of the two great Apostles, let us rise to the full light of apostolic knowledge. From the heights of a Scriptural acquaintance with the doctrine and labors of these two princes among the Apostles, let us cast one free and joyful glance behind us on the original subject of our meditations, and on that eighth-century, when the Church existed with all its members fully developed and organized; and then let us turn to our serious work of to-day, and fix our eyes on the miseries of the present.

First, then, let us draw an apostolic motto and inspiration for meditations embracing so vast a portion of history, from the heart of the primitive Christian consciousness of these two great Apostles of the Lord.

When I strive to bring clearly before me the image of those two preachers of the Gospel, on whom so great a blessing rested, I behold men of the Spirit, moved by the purest love to man, who were persecuted even unto death, but who never persecuted, who did not revile nor curse their enemies. I behold Apostles and disciples who, through love and patience, overcame, first their own not unimportant differences of opinion with regard to the first forming of the Christian communities, and then the strifes between their several parties. In the words of the Spirit and of love, which they have bequeathed to us, we must inevitably find the best solution for our task. Yes, we will take their words with us as our guiding star on a road full of serious difficulties, and lying from time to time amid painful scenes.

Our first motto from St. Peter shall be this: "Add to your faith virtue; and to virtue knowledge; and to knowledge temperance; and to temperance patience; and to patience godliness; and to godliness brotherly kindness; *and to brotherly kindness charity*" (1 Pet. i., 5-7). Our second shall be the passage where the Apostle applies the great saying of the Old Testament to the people of God and all Christians: "Ye are a chosen generation, a royal priesthood, a holy nation, a peculiar people; that ye should show forth the praises of Him who hath called you out of darkness into His marvelous light" (1 Pet. ii. 9). But from St. Paul we are content with the one saying, "Where the Spirit of the Lord is, there is liberty" (2 Cor. iii. 17). Such cautions and such guiding stars are indeed needed on the thorny track of meditation for which we must now prepare; for our present task is to display the ungodliness and immorality of religious persecution, to unveil the horrors to which it is afresh giving rise, and to reach

a point whence we may hope to behold the simple and infallible solution of our present perplexities.

Let us begin, then, with St. Boniface as our starting-point.

Boniface fell a victim to religious persecution, if we assume, as it seems most probable, that the attack of the heathen Frisians was prompted by religious hatred. But Boniface himself made use of persecutions against Clemens, and delivered him over to the secular arm of Pepin, and to the prison in which he disappears from view. Aldebert, the other theological opponent of Boniface, escaped from confinement, and was found murdered by shepherds.

Did Clemens die in prison? History knows only that he vanishes from her scene.

Boniface founded an hierarchical system, from which more persecution has proceeded than from any other—possibly only because it has been the mightiest; the fact is incontestable. But even Protestant hierarchies have leagued with the power of the State to persecute. Thus the Lutherans persecuted the Calvinists, the Anglicans persecuted the Puritans. Under Cromwell, a Puritan Parliament for a few years imitated, but did not equal the hierarchies; the execution of Servetus in free Geneva, under Calvin, is quite a solitary instance. The Lutheran clergy alone can lay claim to be ranked with the Roman hierarchy in what they have accomplished—their limited power being taken into due account.

The Church condemns religious persecution in general; her own is an exception, because she is right while all others are wrong. She washes her hands of blood. She herself never condemns to death; but the laws in virtue of which the State does it are required, approved,

brought to pass by her; only so that her left hand knoweth not what her right hand doeth. The Pope does not desire a St. Bartholomew's night—probably he never even advises it; but he celebrates its success by feasts and medals, and by adorning the princely ante-chamber with splendid paintings. Bossuet finds it quite natural that the Albigenes (and the Waldenses with them) should be burnt, and sees simple justice in the system of Louis XIV. toward the Huguenots, with its galleys and dragonades. And Bossuet was a pious and highly-cultivated bishop, the eloquent defender of the rights of his Church.

Is religion, then, really persecution? Is persecution really religion? Is the zeal of an inquisitor really the natural consequence of the sincerity of his belief, and the earnestness of his heart? Is Christianity, therefore, the religion of persecution, and intolerance the zeal of Christian faith?

Not alone the primitive records of Christianity, but all noble hearts among all nations and tongues cry with their myriad voices, No, and forever No!

The solution of the strangest of all enigmas lies here, too, near at hand in the human heart and its divine mirror, the world's history, for every one who believes in a moral order of the world.

Let us then, my honored friend, before we have to speak of our age, of our German fatherland, of the very present day, look around for a moment on history. We shall then easily perceive that the principle of intolerance is latent in every existing religion, and in every religious body, by virtue of the self-seeking principle in the natural man. But the divine deed of redemption from selfishness is meant to set man free from the rule of this principle in his nature. That a religion does this is the

surest pledge of its divine origin; that a State recognizes liberty of conscience—that is, the right of free religious association according to law—is an equally certain proof that it is a Christian State, while persecution, oppression, and coercion in religious matters must be held proofs of the contrary.

It is very intelligible that the selfish principle of nature should be especially active in the field of religion. Every society within the State, every corporation, bears within it the germ of a temptation to concentrated selfishness. The member of such a society may seem to others, nay, to himself also, to be acting in an unselfish, self-sacrificing manner, while he is really only ministering to a more intense selfishness, by regarding the society as an end in itself, instead of a means. But this danger is particularly great in matters of religion.

Religion is the highest divine symbol of unity, whether in the household, the tribe, the nation, or the State. It is *our* God whom we defend or avenge when we are filled with zeal against those of an opposite faith. But to appropriate what belongs to God is the very essence of all selfishness, the true Fall of man, who would fain be the master of goodness and truth, not their voluntary servant. This danger grows with the deepening consciousness of national unity, and the civilization which attends this consciousness. The more religion is absorbed into the mind, and is conceived as essentially bound up with the moral law of the universe and of conscience, the more will the idea of purity and godliness become attached to *our* faith, and that of impurity and ungodliness to the faith of our opponents. They are our enemies because they are despisers of God—that is, despisers of *our* God. Why, else, should they not worship him with *us*? Thus the natural man calls his neighbors who speak another

language *ἄγλωσσοι*, in contrast to *μέρορες ἄνθρωποι*; he scornfully calls them barbarians, in contrast to the intelligent human being.

Hence, too, it comes, probably, that we find that the great nations of history, who possess a spiritual and manly consciousness of God, have been more intolerant and given to persecution when they have followed the bent of their natural inclinations, than races occupying a low place in the scale of civilization.

The Egyptians, with their hostile local deities, differing in every province, would have mutually annihilated each other, and rendered the existence of a national commonwealth impossible, had not their primitive union in the common worship of Osiris deprived this stubborn principle of nature—fostered though it was by their fragmentary and distorted conception of God—of much of its fanatical and barbarizing influence. Hence, in Hadrian's time, the killing of a cat could raise the whole city of Bubastis in revolt against the garrison; for it was *our* sacred cat which the Roman soldier had killed. The belief in the goddess Pakht, whose symbol was a cat, could not be otherwise vindicated than by taking vengeance on the murderer, who had probably thought of nothing but ridding himself of a troublesome animal. It was not that it symbolized the powers of nature, as many ancient forms of worship did, but that it represented in a symbolical form the consciousness of the eternal relation of the human soul to the Soul of the universe—to the merciful God who rules over the living and the dead—which made the worship of Osiris a bond of peace and unity, and gave it power to overcome the baser selfish principle.

Possessing no such central consciousness, Phœnicia and Syria sank beneath the devil-worship of the child-

devouring Moloch. But this consciousness is neither new nor self-invented. Abraham found it already existing, not only in his own heart, but in the pious traditions of a primeval world. With an inspiration that was truly of God, because truly moral, he made the holiest treasure of his own heart the holiest possession of his household, which in the course of a century became a peculiar people, through the free spirit of this faith in God. But hardly had this conception of God become the national religion of the Jews, when this people began to act and feel as though the God of heaven and earth were *their* God only. What would have become of them without the constant assaults of the outer world, and the prophets awakened by their troubles, who exalted the spiritual and human elements in the religion of Jehovah above the formalism of the temple worship, and pointed to love as the fulfilling of the law? And yet the last great historical act of the Jews, before their death-struggle with the Romans, was a murder of intolerance, followed by a fanatical religious persecution of the disciples of Him who had been legally murdered with the forms of justice.

Finally, Mohammed, from a heretic persecuted as an atheist, became the persecuting founder of a new religion.

The Arian races appear in very early times to have been remarkably enlightened but exclusive and persecuting people—the Medes and Indians, no less than the Babylonians and Assyrians. It can be shown that their wars were often religious wars, like that of the founder of the second Babylonian dynasty, Zoroaster, King of Bactria, in the twenty-third century before Christ.

The most intellectually-gifted nation of the world, the Hellenes, with the Athenians at their head, were unable

to conceive of religion without persecution. The Athenian people tolerated vain babblers and sophists, but it exiled Anaxagoras, and condemned Socrates to death as an atheist. The humanizing and uniting principle of the Hellenic religion lay partly in its mysteries, partly in the sacred national festivals of the Hellenes, in which the national religion took the form of a union, and partly in the consciousness of God which philosophy had bestowed on her thinkers and citizens. All these were counteracting elements to the selfish zeal of persecution, and diffused a spirit of generous toleration and humane civilization.

Toward the external world the Romans were, and always remained, a persecution-loving people, notwithstanding the union of different races in religion as in civil polity which had taken place within Rome itself at the commencement of its history. But they showed this spirit less than the Greeks. When they first began to spread themselves abroad, they came in contact only with kindred forms of worship—above all, an ennobling and spiritual Hellenism. When they penetrated into the barbarian world they had already become too superstitious, on the one hand, to be willing unnecessarily to make enemies of the strange gods, and too practical, on the other, to allow religious disputes to hinder them in the spread of Roman law and civilization, and in the possession and enjoyment of rich territories.

Moreover, the stubbornness of the popular mind and faith had then already been broken down by contact with the Hellenic philosophy. Originally, within the limits of the Roman city, as later within those of the Empire, no strange faith was suffered; afterward the Jews, who worshiped without image or temple, and whose useful industry had spread itself through the Empire, obtained

legal toleration, and the same boon was finally extended to the Egyptian festivals. But intolerance was, and continued to be, the law against all principles that were fundamentally at variance with the national religion. Centuries after that religion had died out in unbelief, or had been supplanted by Christianity, under the most Christian Emperor Theodosius, Rome's proud Senate required that Christian Senators should take a few grains of incense, on their entrance into the hall, and strew them on the altar of Vesta; for was not Vesta the symbol of *our* universal empire!

The ancient Teutonic races possessed a consciousness of God no less grand and intelligent than that of the Hellenes; their deities were human gods—they were noble, high-minded, self-sacrificing, and kindly heroes, less bloody than that of the Kelts, or even of the Italians. The distinction of race with them, as with the Hellenes, broke down the narrow limitations of local superstitious rites and customs. Yet they kept the latter strictly; and it is worthy of remark, that we find among the Frisians a trait of the same sternness and barbarism to which Boniface afterward fell a victim. Shortly before the time of Boniface, the slaying of an animal for food on the sacred island of Heligoland, where all living things had a safe asylum, had almost cost a Christian missionary his life, though the deed seems to have been committed from ignorance, not in defiance. But we nowhere meet with a prohibition of the preaching of the Gospel, if unaccompanied by any contempt of national customs.

The Teutonic races became Christians, and persecuted more bitterly than their heathen forefathers. Whence came this spirit of persecution, in spite of an advancing civilization?

We must consider this remarkable phenomenon more closely. The Christianity of the Gospel and of the apostles could neither have awakened nor fostered this spirit, for it knew not as yet the doctrine, that persecution is the pledge of faith most pleasing to God. It was as little possible in the days of Boniface, as four centuries earlier, in those of Ulphilas, that the Gospel could transform into a nation of persecutors, a people who were innately of a mild and kindly disposition—a people, as Tacitus says, distinguished by this very kindness of heart from all others, and like only itself. And the profound affection with which the Saxon races in particular received the Gospel into their loyal hearts as a strong personal faith in the Saviour, is proved by nothing more touchingly than by the Saxon “Gospel history of the Lord.” This work dates from the period immediately following the sanguinary proselytism of the Frankish Charlemagne: it must have had its origin in this race, and certainly struck deep root there.*

Thus at that early date the German people read the Bible, or at least the Gospel history. It was not those narratives which could have imbued such a people with the notion, that the words of the Redeemer—“By this shall all men know that ye are my disciples, if ye have love one to another” (John xiii. 35)—applied only to those holding the same theological creed, whether Arians or Catholics, Roman or British proselyters and neophytes. It was not faith in the Gospel which could give rise to the belief, that the employment of fire and sword against men of different views was enjoined by Him who

* This has been already remarked by Rettberg, i. 247-252. Is there no one willing to make Scheneller's work accessible to the reading public?

rebuked the sons of Zebedee when they wished to call down fire from heaven on the unfriendly Samaritans, and warned them and said "Ye know not what manner of spirit ye are of" (Luke ix. 55)—namely, of the devil, the power of the evil spirit of darkness which turneth away from the light of God—which spirit is selfishness. The Bible did not teach them that secular power and means of coercion by the help of the law, which beareth the sword for a terror to evil-doers, had been granted, with the right of authority over the consciences of the congregation, to the preachers and stewards of the glad tidings by Him who said to His disciples, "Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. But it shall not be so among you: but whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant." (Matt. xx. 25, 27.) Nor does the Gospel history teach that piety and saving faith lie in outward things; and that Christ was commanding them to exclude and persecute as enemies those Christians whose customs might differ from their own, when He answered the question of the Pharisees, when the kingdom of God should come: "The kingdom of God cometh not with observation; neither shall they say, Lo here! or, lo there! for, behold, the kingdom of God is within you." (Luke xvii. 20, 21.) He who, while gazing on Gerizim, and beholding with His mind's eye the temple of Jerusalem tottering to its fall, could proclaim the worship of God in spirit and in truth, as that which must remain forever (John iv. 21, 24), could not have taught them to place the kingdom of heaven in one consecrated spot, for which they should wage through centuries a bloody war with its possessors.

The Pauline Epistles were early known to the converted Germans. With their hereditary faculty for the reception of spiritual things, they could scarcely have found a sanction for theological condemnation in that great apostle of the heathen, who says of himself and of others, "Why is my liberty judged of another man's conscience?" and who submitted himself to the judgment of this same Corinthian congregation, when he says, appealing to the word and commandment of Christ, "Judge ye what I say." (1 Cor. x. 29, 15.) Since, then, these facts of persecution occur among them as among all Romanic nations, no explanation is left us but to suppose that it has been the intolerance of theologians which has made Christianity exclusive, and the German people persecutors. In the Gospel, nothing could be found to produce this result, but much to prevent it.

Under Boniface, the Germans received from the priesthood, who ruled and instructed them, a ready-made system of theology, which had been put together in the course of the last four centuries by the schoolmen and bishops of Byzantium and Rome. But the great apostle of the heathen, whose memory we celebrate to-day, had left them a warning against all teachers who do not abide by the wholesome words of our Lord Jesus Christ, speaking of the "perverse disputings of men of corrupt minds, and destitute of the truth, supposing that gain is godliness." (1 Tim. vi. 3, 5.) Yet, as we have said, we find persecution early practiced by all the German tribes, and that in the name of the Saviour, and for the glory of God.

It would be wholly unjust to ascribe this corruption to the peculiar organization of the Roman Church; it is the necessary consequence of the system of every

Church claiming unconditional rights. Did the rigid partisans of their Church among the Lutherans act otherwise? Hardly were Luther and Melancthon dead, when the son-in-law of the latter, a pious and peace-loving minister, who preached peace with Calvinists as brethren, was cast into prison; and not long afterward another was executed as a malefactor, with a sword inscribed for the purpose with the words, "Beware, Calvinist!" And this took place in the very cradle of that Reformation which had preached the freedom of the Gospel, and sealed its testimony before God and man with the precious blood of martyrs.

O! that the successors of those old Lutheran zealots, who are now again springing up in Mecklenburg and Prussia, would make a pilgrimage to Dresden, and there gaze on the bloody sword with which Crell was executed, and consider aright its bloodthirsty inscription! O! that they would then look within and blush for themselves, when they demand the power of the keys to enable them to re-awaken the faith which has died out under their hands, and to unite the scattered congregations under a new jurisdiction! O! that they could see how their fanaticism betrays their secret want of faith in the sight of all, when they invoke the power of the police against a few poor Baptist preachers!

With Boniface, in particular, however, two great powers begin to play their parts in the world's history: an exclusive hierarchy, which absorbs the hereditary rights of the congregation, and overshadows the congregation itself; and a stern intolerance of all theological differences.

By intolerance (let me repeat it once more) we do not mean insisting on their own doctrine as the only true one, for we leave this open to all theologians who desire

it; but the enforcement of their doctrine within the domain of law, by coercion, persecution, penalties, and death.

Every absolute Church necessarily brings with it persecution. It denies the right demanded by the consciences of the individual and the congregation, namely, freedom of thought, and, what is the same thing, freedom of speech and of teaching, on the highest subjects of human research and contemplation. This priestly and Church system equally denies the State, for it would make it merely the instrument of defending or avenging the prescriptions of the Church; that is, devolve on the State the right of punishment. And it demands this servitude on the part of the latter as a Divine right which it were godless to withstand. Lastly, it denies the most Divine thing on earth—the conscience of the individual and of humanity; it stigmatizes as profane the utterance of the conscience of society, that is, public opinion, and seeks to set aside, by prohibition or repeal, the judgments which the Spirit has given through history—nay, the Bible itself.

The same priesthood points to the persecution of Bonifacé by a heathen horde, as a type of the persecutions now suffered by his followers, when the State refuses to recognize their unbounded pretension to a right of absolute sovereignty and stewardship. As though there were no other persecutions than those of which bishops have to complain, when they are called upon to respect those laws under which their predecessors lived in peace! As though there had ever been so bloody a persecution as that practiced by bishops and theologians, in virtue of their so-called Divine right! Alas! and they have practiced it, not only with prison and scaffold, on solitary thinkers and pious men, but with that silent

killing out of the Spirit, which, in the course of a few centuries, has brought the noblest nations into a state of spiritual stupor or wild despair.

After many sanguinary struggles, the power of circumstances, working partly through treaties of peace, partly by absolute princely power, partly in the laws of free States, had consecrated the work of civilization, namely, religious toleration. This child of persecuted faith, and of an unspoken, yet widely-recognized bond of mutual toleration, which the spirit of charity to all men was silently bringing to pass in different Christian confessions, produced a ready co-operation and community of life between them, along with other noble fruits of civilization. A great Catholic nation proclaimed perfect liberty of conscience, in the very words of the men of freedom beyond the ocean. Two great Catholic sovereigns, Napoleon and Joseph II., proclaimed and carried into effect the principle that religion may and shall be honored and efficacious without persecution.

And lo! in our own days the demon of persecution suddenly rises from the abyss, and shows himself, not in one church, but in almost all—most especially, however, in that of Boniface—and proclaims that oppression of conscience is a proof of faith, and that tolerance is the offspring of perdition, and is preached to the people by infidelity.

I wish not to open old wounds; but I must raise my voice, that those yet bleeding may be healed, and not new and more deadly ones inflicted. I must speak of facts which seem to justify the fears of millions, and to open an immediate prospect of religious wars and universal ruin. *It is now the atmosphere if not the era of 1617.*

Yes, the system which deluded and ignorant priests

—unable to read the signs of the times, careless of people or State—are now, consciously or unconsciously, preaching and practicing, must lead to religious wars, which will overthrow or shake to their foundations, many thrones that are lending themselves to this party, unless its progress can be checked now, even at the last moment.

Not that the spirit of the peoples is intolerant or persecuting. There is no nation in Europe to whose spirit and leading energies this reproach could be affixed. The Spanish people has no desire for the Inquisition and auto-da-fés; and the fanaticism of the old Russian party is directed, in its natural growth, not against the Church of the West, but against the State Church of Peter the Great, and the military synod which has supplanted the Patriarch.

Nor are the absolute sovereigns of Europe and their princely houses distinguished by cruelty and love of persecution. In his private character, this could not be said even of that Sovereign who has recently been so suddenly summoned before his Judge; and who, while his mental vision was most bounded, ruled with a might and sternness almost transcending human limits. Doubtless, among the sixty thousand Protestants and the two million of members of the United Eastern Churches, who, in the course of the last ten years have been brought over to the Russian Church by delusive representations, by deeds of violence, by the unworthy seductions of his priests, and officials, and policemen, there are myriads and myriads who accuse him before their own consciences and the throne of God of unheard-of wrong. The sufferings and sighs of the Abbess of Minsk have echoed through the whole world, and scarcely can all the dungeons, and pains, and tortures

of Russia, have wholly stifled their sound within the country itself. And yet all who knew the Emperor Nicholas personally, agree in saying that he himself did not issue those cruel decrees, and was to a great extent unconscious of the sanguinary mode in which they were executed by his superior spiritual and secular officers. And surely his mild and gentle successor, the pupil of the high-minded and noble General von Mörder, and the truly liberal, pious, and cultivated poet, Jukowski, is the last man of whom we need to fear that he would tread in the blood-stained footsteps of the late Government.

And yet the cruel proceedings against the Madiai show us whither the princes are led by the principle of obtaining, at any price, the friendship and support of Rome and the Ultramontane party, and of purchasing the so-called "peace of God" (that is, peace with the clergy) at the cost, if not of our own sense of right, of the law of the land and freedom of conscience. Who would not do all justice to the personal character of the descendant of the humane and enlightened Grand Duke of Tuscany? Who does not know the mildness and humanity which render a residence in that ever-memorable and highly civilized country, so pleasant and delightful to both Italians and foreigners? And yet, what heart does not revolt at the naked, unconcealed, undeniable fact, of cruel personal persecution of a wholly inoffensive couple, who were distinguished in their lowly calling by the purest life and strict obedience to the laws, who held aloof from all political intrigues, and who have witnessed the purity of their faith by the martyr's spirit of patience in which they have endured their sufferings? The Madiai were not the first nor the last victims of Ultramontane cruelty. But the proceed-

ings against them were the first-fruits that had met the public eye of the new contracts with Rome, and of the concessions extorted by the latter as an atonement for the spirit of free thought inherited from Joseph II., and as a token of gratitude to the Pope for deliverance from the storms of 1848, by means of Austrian bayonets!

Hardly has the indignant outcry of Europe at these cruelties died into silence, ere new tidings reach us, from the same country and the same city, of an act of yet greater harshness.

The documents connected with the proceeding will be found collected at the end of this book.* The facts there given are authenticated partly by official and documentary papers, partly by internal evidence, and the absence of any contradiction. They need no explanation. No legal form of justice is observed—no defense admitted—no witnesses are brought forward. This is no legal process such as that to which we owe, in the case of the Madiai, a defense that does honor to Italy. It is an inquisition, only conducted by secular agents—not by judges proceeding according to forms, but by underlings of the Executive Government. The police needs no rack, as it has no forms to observe. The issue is a harsh decision, summarily given by the Executive. On a Sunday morning, the 25th of March, apparently in honor of the Feast of the Annunciation of Heaven's grace to earth, a highly respected man, the father of a family, who has been but just arrested, is led away in chains to spend a year in the House of Correction. And why? Because he had read the Bible with his children quietly in his own room—nay, had prayed there with them, and possibly may have confidentially

* See Appendix A to Letter vii.

spoken of this culpable practice to an inmate of the same house! We grieve that the trial of Galileo has lately found a German apologist, who could reiterate all the old shallow gossip about the passionate obstinacy of that great man; but what is the trial of Galileo to this recent proceeding? Martial law administered by the police in educated and peaceful Florence!

Would to God that this were a solitary case, or at least that we had no instance of intolerance and religious persecution to lament within our own country while celebrating the present festival! But the urgency of the times, and the love of truth, and my confidence in the independence and justice of a great German prince, constrain me to speak of another instance of the same spirit, equally recent, and still more revolting, and to draw attention to the consequences of the unhappy concessions of our Governments to the boundless pretensions of the Romish clergy—concessions inconsistent both with mental liberty and the dignity of the Governments.

The cruel treatment of a Catholic of Bohemia, who has gone over to the Protestant Church, has been already brought before the public by both native and foreign journals.

One Johannes Evangelista Borczynski, formerly a lay-brother of the Order of the Brethren of Mercy in Prague, and for twenty years physician to the institution, had notified, according to law, before the Catholic Ecclesiastical Board, and in the presence of two witnesses, his conversion to Protestantism. As it was not concealed from him that such a step would never be permitted in Austria, notwithstanding the existing law of the land, but that he would probably be thrown into prison, he then crossed the frontier in all haste into

Prussia. He came back provided with all the prescribed certificates and documents connected with his legal reception into the Protestant Church.* Trusting in the laws of the Empire, he returned, on the 29th of March, in all privacy to his native place—Prossnitz, in Moravia, where he lived quietly in his father's family. And now turn to the official records, and read the story of the cruel treatment of this man, who, however, had not ceased to possess the rights of a subject, since it was as a subject that he was arrested by the State.†

The proceedings of his late ecclesiastical superiors remind us of those well-authenticated narratives of the escaped nuns from Lithuania which filled Europe with horror ten years ago. The details are too revolting to be repeated here. I can vouch that the facts here given possess the greatest authority; they are in part official. I will only remark that I must reserve the right of adding further particulars in case I should have occasion to announce Borczynski's death in the course of my subsequent letters. The world would have her own opinion of the affair, and the suspicion that the superiors of the Order had been alarmed at the possible disclosures of this man respecting themselves or their Order, would remain indelibly fixed on them by history.

In Passion Week, that period sacred to all Christians, he entreats permission, if not to celebrate the Lord's Supper with his fellow-believers, at least to receive a pastoral visit. The answer is mocking and cruel; he wishes to do penance, then—he shall have the opportunity granted him of fasting for three days on bread and water. Soon after, he is cast into a dark cell, and left in the foul air of a dungeon. Is this an

* See Appendix C, ii. 2, to this Letter. † See Appendix B

example of Christian love or ecclesiastical humanity? Does it not rather look like priestly revenge, and a confirmation of the Roman proverb, "A priest never forgives?" Many weeks and months have passed since then; his persecutors have condescended to insert a few words in defense of their conduct in the journals devoted to their party, but not a word of changing his place of confinement, or of alleviating the cruelties inflicted in that week of divine atonement, which must inevitably end in his death, if they do not reduce him to the same state as his brutalized companions. Is there not among the inmates of this convent the monk Zazule, who has been confined already twenty-two years, and is treated as a lunatic, because he has betrayed a leaning to Protestantism?

But I look forward with you, my honored friend, to a better termination. I am firmly convinced that if the powerful sovereign of German Austria, the youthful and knightly Emperor, can be made aware of these proceedings ere it be too late, he will not approve them, but exert his authority to bring them to a close. To a Christian and German heart, the sympathy of Christendom can be no reason for withholding compassion. It is not thus we feel and think on this side the Alps. To a German heart, the respectful expression of sympathy and disapprobation is no crime. The Emperor will show that he is lord in his own land—that he *is* Emperor, and a German and truly Christian lord. Nor will he suffer a retrospective force to be given within his states to the possible provisions of any Concordat—I say possible, for we know not yet what the Concordat contains, still less do we know with what reservation it may be published.

The whole world knows what the Pope and the Bishops

now demand, but the whole German nation knows, and all true statesmen know, that Germany never will be brought to allow her mind and conscience to be silenced in an age when free discussion and even free censure is admitted in all financial operations. Yes, it would now be impossible to bring to pass what was still possible under Ferdinand II., that every stirring of the trampled national conscience should be answered by prisons and torture, as it has been in Russia since 1826; or that the calm discussion of public questions, which concern all consciences and the very sanctuary of religious conviction, should be stopped by deeds of brute violence. Not Germany alone—the whole civilized Christian world is joined in a holy league against a return to such a course of action. If the public opinion of the world, which demands freedom of conscience and toleration by the law, had no other force on its side than the eternal truth of man's deepest feelings which underlies it, yet it could not long be set at naught by any save misanthropic sophists or reckless desperadoes. Nay, it does not become truly omnipotent over those who really or seemingly despise it, until it addresses itself to the sense of justice and personal honor in the sovereign himself. The promises made by the reigning Emperor of Austria when he repealed the constitution live in his breast, in the sanctuary of his conscience; and they shut out all possibility of the recurrence of such cruelties, whatever may come from beyond the Alps. Borezynski will certainly find succor when the Emperor hears of his case, although he was a lay-brother.

I hold the same conviction with regard to other instances of the same kind, of which we have heard during the last few years from different parts of the Austrian Empire, some of which have been discussed in the public

prints, and, as far as I know, have never been denied. The fate of Borczynski is no isolated example of priestly persecution in Austria. Without adducing particular cases, which might be dangerous to those concerned in them, I will merely give the following fact from Hungary in the words (which have never been contradicted) of a public paper, edited by men of high standing, whose names are well known and universally esteemed. The *Protestantische Kirchenzeitung* of Berlin tells us, early in the present year, that the pious and gentle Archduchess Palatine (since dead) had presented some Bibles to her Protestant brethren in Pesth; and a Bible society had added to her gift a few more copies, to be bestowed on poor youths and maidens on their marriage and admission into the congregation. Thereupon the police steps in, requires the pastor to give up the Bibles, and presents him, a few days later, with a receipt for fifty-four kreutzers, as the price of the paper-maker's pulp into which those Bibles had been pounded. The Word of God, acknowledged even by the Catholic doctrine to be the sole rule of faith to Protestants, the pious gift of a princess of the Imperial House to the poor members of a Christian congregation, is hunted out and destroyed as if it were a book of blasphemy! No doubt there was some police regulation which made this possible: so much the worse. The writer of the account from Hungary says, "This receipt says much." It does indeed say much. If all this happens before the Concordat—before the laws of Joseph, which have been blessed by millions for the last three generations, have been supplanted by a new order of things devised to please Rome, what may not—what must not—happen hereafter?

And if any thing could arouse more indignation than

what has been done, it would be what has been said in its explanation and defense, since the press, including that of France, has, with a generous freedom of thought which merits acknowledgment, drawn attention to these cases. (The *Augsburg Allgemeine Zeitung* mentions at least the first.)

Barati, the pastor of the parish in Florence to which Cecchetti belonged, had been charged with denouncing him to the Government, and of having done so even, perhaps, at the cost of violating the secrecy of the confessional. He defends himself thus :

“In order to justify my own share in the misfortune which has occurred to Cecchetti, it is necessary that the world should be made aware, that the priest is bound *by the government* to send in yearly a report of *the condition of the souls under his cure*. Now, as this Cecchetti had lived four years in my parish without ever coming to confession, I was obliged to inform *the police* of the circumstance. If the gendarmes afterward visited the family, and found Diodati’s Bible in his possession, it is not my fault.”

So the police chooses to be informed annually of the condition of souls, whether a citizen goes to mass and receives the communion! What need of an Inquisition when we have a police! But the priest deserves respect; he merits grateful thanks for having justified himself in his priestly character.

Hitherto the case stands otherwise with the defenders of the proceedings against Borezynski. The *Deutsche Volkshalle* puts forth the following view of the subject in its number of the day before yesterday (June 19th, 1855, No. 137). The crime of the lay-brother Borezynski against his Order, it says, is to be placed on a level with the breach of the marriage vow, or the oath of allegiance by a soldier. It then enters into a long exposition, to show how much worse is the crime against

the Order than the crime of the perjured deserter or traitor within the army; for which vow, it asks, is the most sacred—this or that?

Therefore a blameless man, esteemed by his very persecutors, who has availed himself of the permission of embracing the Protestant Church which the law grants to every one who is not under sentence of civil death, and therefore to the lay-brother among the rest—who avails himself of this legal privilege with all possible observance of the forms of law, and without exciting noise or remark—who is charged simply with having so far confided in the Emperor's word and his own good conscience, as to return privately to his native place—this man has rightfully fallen under the penalties of the criminal law, as much as a convicted adulteress: nay, ought to be yet more severely punished than the traitor to his country who deserts his colors. He, a medical lay-brother, has broken his allegiance to his Order, and merely for the sake of his private conscience; and no rights as a citizen or a man, no protection of the State shall avail him against the regulations of that Order (which has nevertheless made use of the police to recover their captive), against the commands of his late superiors, to whom he is a serf for life. Ecclesiastical law is higher than the State—it is absolute!

The dignity of the State, the honor of the Sovereign, nay, the salvation of his soul, demand that he should "protect the Church" in these pretensions; and ere long he will solemnly have vowed to the Pope thus to protect her. The very shadow that the coming Concordat casts before it, brings down a punishment on the despisers of God; but the punishment of treason is death!

The editors of this paper believe, no doubt, that they

are rendering a service to the Emperor of Austria in putting forward a defense like this, which would better suit the men of the *Univers*. Similar friends of the Emperor are wandering through the Rhenish provinces, and are impudent enough to assume the airs of agents of Austria, sent forth to stir up the land for a great and sacred object at a critical moment. What a disgrace to the Imperial name! And what honorable confidence in the sound judgment and the noble instinct of right in her Rhenish subjects does it not show, that Prussia suffers these birds of night to fly abroad unmolested!

Let this, my respected friend, be our first sermon on toleration, on occasion of the eleventh centenary festival of St. Boniface, in the second half of the nineteenth century. Seek to profit by it as you can, and farewell.

P. S.—6th August, 1855.

THE LAST NEWS OF THE PERSECUTION IN TUSCANY
AND AUSTRIA.

We have just learned, through the public papers, that the representations of the English and French Embassadors in Florence have been successful in obtaining the commutation of the remaining eight months' imprisonment of Cecchetti into exile. Every Christian and true friend of his race must feel grateful to those Governments and their representatives, and acknowledge the mercy of the sovereign's decision. You and I certainly share this feeling to its full extent. But it can not make us forget two decisive facts. First, that the mercy of the sovereign only amounts to the "sorrowful privilege of banishment;" secondly, that *the law remains unchanged* for him, and, perhaps, a hundred other pious readers of the Bible. If on his return, after a day of honest labor, Cecchetti wishes to read the

Bible with his children, and does not deny his crime when he is questioned, he may be once more put in irons, and thrown into prison in a felon's dress. Meanwhile, the prisons may be filled with martyrs in the same faith, of whom no one hears a word. All freedom of the press was long since at an end in the country : who will stand up in behalf of the obscure victims of persecution in country towns and remote districts? Thus, on the 24th October, 1854, Eusebio Massei, an honest baker of Pontedera, near Pisa, was summarily arrested by the police, like Cecchetti, and condemned to a year's imprisonment in the House of Correction. This instance was stated in the *Allgemeine Kirchenzeitung* of the 13th February, 1855, in a letter from Florence, dated 20th of December, 1854. The man's crime consisted in searching whether Diodati's translation of the New Testament was really, as the priests said, a mutilated version. For this object he compared it with the translation of the Archbishop of Florence, Martini, and found, of course, that Diodati had given a full and complete translation. It must be observed that Martini's Bible is inaccessible to any poor man, as the only unprohibited edition contains the Latin text and notes, and costs nearly seventy francs. Every thing is done, moreover, of late, to prevent the laity from reading even this edition.

No other charge could be brought against Massei, except that when the cholera was raging in Pontedera, he had said that purification, and cleanliness of the streets and houses, might be more efficacious than the worship of the Holy Cross of Pontedera.

On these charges alone Massei was brought before the police, and condemned by them, according to the sanguinary laws of 25th April, 1851, and the 14th No-

vember, 1852, for "apostacy in matters of religion," "*per defezione in materia religiosa.*" Who will believe that this instance stands alone?

Thus, nothing has been done to alter the position of affairs. The *persecution* of Sweden and Mecklenburg is the *mercy* of Tuscany—namely, exile. Thus does Rome revenge herself for her spiritual impotence against the Gospel on the ground of freedom and justice.

With regard to Borczynski we have since then received no intelligence but of fresh sorrows. His brother Ubaldus has been removed from Prague to Görtz—that means that he has been got out of the way. We shall hear no more of him.

We have just learned that the same man last year spent seventeen weeks in confinement, because he communicated his experiences in the Order to the Pope, and petitioned to be released from his vow.* He is now suffering for his sympathy with his brother's misfortunes. The Appendix gives our last letter from imprisoned Evangelista, dated "the 25th June, in the prison of the Order of Mercy." Our hope is in the merciful God; and, next to Him, in the justice and compassion of Borczynski's Imperial Sovereign.

P. S. 2.—THE SECOND EDITION.

November 6th, 1855.

Our hope is fulfilled. Thanks be to God and to the Emperor, whose Government has suffered the captive to escape from the prison of the "Order of Mercy." About the 22d of last month Borczynski reached the

* *Frankfurter Journal*, Appendix No. 2 to No. 169, 17th July 1855. For an account of the brother the *Frankfurter Journal* refers to the "*Wahrer Protestant*," vol. iv., p. 13.

house of the Pastor Nowotny in Petershayn (in Prussian Lusatia), "still living, though almost a corpse," as a letter says. It was this pastor who, seven months before, had received him into the Protestant Church, and had watched his departure with anxious fears.

P.S.—August 25th, 1855.

THE LATEST PERSECUTIONS IN FRANCE.

The *Journal des Débats* brings us word of the most recent and severe persecutions; and this is taking place in France! A highly respectable man, the father of a family, is invited to show cause why the decision of a family council should not be carried into effect, which would deprive him of his most sacred right, that of paternal authority, on the ground of his Protestantism; and the proceedings are said to be founded on the *Code Napoleon*, the first principle of which is, that the law does not take cognizance of the religious confession of a member of any recognized religious body. The man's children, who are still under age, are to be taken from him, because he would have them educated in the Protestant faith which he has embraced.

I give in the Appendix to this Letter the official report of the persecution in France, with the solemn promises made by the Emperor of Austria on the repeal of the constitution.

LETTER VIII.

HISTORICAL RETROSPECT AND SOLUTION OF OUR DIFFICULTIES ON THE BASIS OF A TRULY CHRISTIAN POLITY.

CHARLOTTENBERG, July 25th, 1855.
St. James's Day.

MY RESPECTED FRIEND,

A marvelous picture of historical circumstances unrolled itself before our eyes, when, on the feast of St. Peter and St. Paul, we closed our meditations on the relations of the hierarchy to the State, to the congregation, and to the conscience. Our reflections commenced with Boniface, and ended with his now living representative, and the fellows of that representative. We began with persecution and left off with persecution, but the persecuted had become the persecutors.

Thus we have reached the point from which, following the method we proposed at starting, we must extend our survey to a world-wide horizon, in order to see if, taking our stand on the groundwork of fact lying before us, and in the light of simple truth, we can attain to a practical solution of the perplexities which we have exhibited, and thereby approximate to an understanding of the signs of the times.

Here, too, we shall borrow the motto of our meditations from the apostolic recollections connected with the

day. If with some, in speaking of St. James, we think of the brother of our Lord, in after years the head of the Jewish-Christian congregation in Jerusalem, we can find nothing more to our purpose than two sayings of that pious man, which may well recur to us oftentimes in pursuing our path (James iv. 12): "*There is one lawgiver, who is able to save and to destroy; who art thou that judgest another? (James ii. 13.) For he shall have judgment without mercy that hath shewed no mercy, and mercy rejoiceth against judgment.*"

But as a motto drawn from the disciple James, the brother of John, in default of any words of his own, of which none are handed down to us, we will take that beautiful saying of his divine-souled brother, which concludes his First Epistle, and in which he warns the believers to abstain from all idols, therefore from every thing unconditioned which is not God: "*Little children, keep yourselves from idols. Amen.*"

Let us first cast our eye back over the course of historical development which has passed in review before us. St. Boniface dies—a victim, as it appears, to religious persecution—because he is resolved to preach the Gospel of the love of God in Christ, and of the freedom of the Spirit in God. But Boniface himself had persecuted his fellow-apostle of the same Gospel, on account of his creed. Clemens had been sent forth by another Catholic brotherhood, and Boniface had no ecclesiastical jurisdiction over him; while, as a Christian, he had no right to invoke the secular arm against him. He did so, however, for life and death, although no civil charge was brought against Clemens. He reviles him as a heretic and an impure man, because Clemens the Briton adheres to the system

of doctrine and discipline which had been transmitted to his Church. In him, Boniface insults the whole British Church with St. Patrick at its head, which had remained steadfast to a more ancient phase of Christianity and theological science. The successors of Boniface, however, left masters of the field, displayed still greater animosity as soon as they attained to power; and in the lapse of centuries they find no more fitting expression for their fiery zeal than the stake. Dominic becomes a saint because he gives counsel to burn the Albigenses, although with some show of mercy; eight hundred years later, we see this hierarchy invoking the secular arm, nay, summoning the majesty of the German empire to persecute German congregations because they ask for freedom of conscience, and to make war upon German princes with Spanish troops because they guaranty this freedom. And the summons is obeyed, although those congregations and princes take their stand on God's word, and preach the doctrine of personal faith in Christ as the Saviour of mankind; although they profess their faith in the creed of the universal Church concerning God and Redemption; and although they refrain from all acts of violence and persecution. But the doctrine of the Gospel maintains its ground in the empire in spite of persecution; and the Protestant Church becomes free, after a bloody contest.

And, behold! only one generation later we see this Protestant Church ruled over by theologians who persecute their own brethren to the glory of God and his Christ, cast them into prison, and slay them with the sword of penal justice, because they are suspected—of what crime?—of laboring to bring about an approximation to the reformed doctrine of Calvin; that is to say, they did not wish that a philosophy of the common evan-

gical belief which had not been rejected by Melancthon, should be condemned as heretical!

Again, two generations later, we find both these bodies—the followers of Luther and those of Calvin—engaged alike in a thirty years' warfare with the adherents of the old hierarchy, which is leagued with Spain and the Pope to exterminate the Protestant faith. In this struggle, the most fierce and sanguinary in the whole range of history, not even excepting the Social War in ancient Italy, we see Germany slowly bleeding to death. The fatherland of the Reformation loses its rank as one of the great powers of the world; nay, it becomes little better than a desert, and sinks to the verge of barbarism, almost as much through the contentions and priestly narrow-mindedness of the Lutheran theologians, as from the attacks of the Pope, the Jesuits, and the princely houses under their influence.

But, behold! at the same epoch in England and Holland, we see the Protestant faith victoriously winning its freedom, and spreading itself beyond the Atlantic.

Finally, in our own days, we see Protestant nations in a steadily progressive condition, taking the lead in the development of the world's history. We see their citizens, without any assistance from the State, nay, without any co-operation from the Established Church of England, proclaiming the word of God in all languages, and spreading Christian civilization among the peoples of the earth; training wild tribes up to form independent states, and self-governing peoples, and re-kindling sparks of noble life in nations apparently defunct. But at the same epoch, also, when scarcely emerging from the struggle with a foe grasping at universal conquest, the priesthood steps forth again, after a period of deep prostration, as a candidate for universal

dominion, and soon puts forward its old claims with renewed vehemence and increased inflexibility. This movement is led by the Catholic hierarchy, which we see nowhere looking for support to the people over whom it rules, but everywhere more and more to the governments and actual possessors of power, and leaning upon an educational society under clerical management, which proceeds by aggression, and is revived for this purpose by the Pope. Wherever its claims are conceded, this hierarchy demands and practices intolerance and persecution as its peculiar and divinely-bestowed right. It demands them as a condition of its existence, and enforces them as the attestation of its exclusive possession of the truth. For, according to this party, if a theological system be true, and a discipline of Divine authority, it necessitates exclusiveness; and a sincere faith will demand, in case of need, legal persecution and the extirpation of unbelievers with fire and sword; while simple intolerance is made a universally binding duty on all believers. This hierarchy professes to rescue, to secure, and to defend the rights and liberties of Catholic populations; and nowhere is it more hated than in exclusively Catholic countries. Nearly all the Catholic reigning houses, however, enter into alliance with it, support the papal Church system, and conclude concordats with Rome. But on this very account they are obliged to attach to the execution of these concordats certain protests and limitations which tacitly involve a denial of the unconditional claims of the Papacy; and these limitations become the law of the land. Rome, on her side, protests against them, but the peoples fully concur in their necessity. Nowhere in these Catholic countries is there any hearty resistance offered on the part of the nation to the setting aside of such concord-

ats ; on the contrary, in almost all, we see them collapse amid the rejoicings of the people.

The same hierarchical system demands infringements of the legally established liberties of the individual (which, in most cases, the princes have recently sworn to maintain with solemn oaths), nay, encroachments on the independence of the civil government itself. It calumniates toleration as the child of unbelief and indifference, and makes war on it in the name of God and the Gospel. It designates the demand for freedom of conscience as the offspring of anti-Christian and revolutionary ideas ; regards that freedom of speech and of the press, under whose shelter all the existing sciences have blossomed forth, as an “ emanation of the spirit of destruction ;” and the diffusal of those Holy Scriptures, from which it professes to derive its own authority, is the greatest crime of all. The printing-presses close, and the prisons open their doors. The atmosphere of our earth resounds once more with the sighs and groans of innocent victims of persecution ; bayonets surround the altar and guard the throne of the absolute Spiritual Lord of Christendom ! Meanwhile, reigning houses regard the hierarchy as their best bulwark ; and, therefore, hand over to its guardianship, to an extent hitherto unknown, the sanctity of the family—marriage, and the most sacred possession of society—popular education and mental culture.

But not less mighty are the currents and counter-currents on the ecclesiastical domain of the Byzantine and Protestant Churches. There, too, the hierarchical spirit raises its voice against all toleration, as against all education of the people or clergy which does not proceed from itself ; and what is done by the clerical body itself in both these departments is infinitely less than what is

done in the Catholic Church. In Russia itself every movement is dependent on an unlimited sovereign who is at once Emperor and Pope. The clergy under his sway proceed against priests according to the severest canon law in the world, and put this law into force against all in accordance with the most cruel regulations of ancient Slavic barbarism; certainly, however, making an exception in the case of those who can purchase their freedom by bribing the higher powers. What has saved the wealthy members of the old orthodox Greek Church in Moscow this year but their treasures? * By such means the torrent of pure clerical violence is weakened, but, at the same time, it receives an imperial color, and is sullied by a corrupt administration. How bloody that imperial color was under Nicholas we have already lamented. The counter-current is not only the hatred of the world (I mean of the nations), but within the bosom of the empire itself, the wild hatred, exalted almost to fury, of the old orthodox against the State Church of Peter the Great. The working of the system on the clerical body during the late eventful reign, has been the extinction of the more liberal tendency, which, under Alexander, had brought the modern Russian Church nearer to the older Church, and thereby to the Bible and the Reformation. This tendency finds a noble representative in an historical personage, Plato, the Archbishop of Moscow, whose expressions concerning the Anglican doctrine, and Bingham's delineation of the ancient Church, have inspired De Maistre with such

* The old High Church party among the Greek Church, who look upon the Patriarch of Constantinople as their rightful head, and the Czar as an usurper of the spiritual supremacy. They date from the time when Peter the Great made himself head of the Church.—*Tt.*

horror and alarm in his book entitled "*Du Pape.*" Finally, the effect of the system upon the people is the decay and downfall of the institutions for popular education which had flourished under the mild scepter of Alexander I. The Ministry of Public Instruction is called in mockery, the ministry for the public prevention of instruction.

Alexander I. favored the printing of the Slavic Bible, and ordained its introduction into the family and school—as, indeed, had been the case with the clergy of the Eastern Church in general, who, wherever they have not been under the sway of the Imperial Pope, have always allowed the Scriptures to be in the hands of the people, and with blessed results. Some English philanthropists have suffered themselves to be deluded by the tale that the yearly donation of the British and Foreign Bible Society (£4,000 if I recollect rightly) is now again, as an act of favor, allowed to be applied to the printing of Bibles. But the sum is simply appropriated to the Protestant provinces of the Baltic in which the Græek Church exercises no rights but those of conquest, and that contrary to treaty. Again, with regard to schools, people have read lately of their having been multiplied threefold (4,000 instead of 1,400 throughout the whole empire) under the reign of Nicholas. Instead of 71,000 pupils, there are now stated to be 207,000, and this is no doubt correct; but it must not be forgotten that the new schools are either purely military, or else fettered institutions regulated on an entirely military footing, and that the same Emperor has done every thing in his power to narrow the circle of instruction in the gymnasia, or higher schools, into which moreover none but the upper classes have admission. The Bible is everywhere suppressed; not a single Slavonic Bible, as

I have said, has been printed since 1826 to the present day, in the whole of this enormous empire, and in a Church which has never forbidden the Bible to the people. No foreign mission is permitted, even among the Mohammedans; while the Russian State Church has never made converts to any extent, even among pagans, without the help of the bayonet and the tap-room. Even the peaceful missionaries of the Moravians among the Tartars have been expelled.

The same system of suppression of the Bible and every sort of popular education now prevails throughout all the Byzantine Churches of the East, and does so by means of the influence which Russia exercises over the bishops. These are her tools; and the maintenance of her despotic power is the real object of the much-vaunted Christian protectorate of Russia. The same incubus weighs upon the national Church of Armenia, which, like all the independent Churches of the East, reveals noble germs of life, and particularly in Etschmiadzin shows a leaning toward Protestantism.

With great truth it has been said that these hopeful tendencies in the Christian Church of the Turkish Empire, especially the establishment of the Bishopric of Jerusalem and the schools and institutions connected therewith, together with the wonderful progress made by the American missions, which have carried civilization and prosperity to the very borders of Persia, have not been without weight in hastening on the determination to execute those plans of conquest so prematurely begun. We hear too that the American missions have been expelled through Russian influence from the countries around Lake Ooroomiah and the Persian Kurdistan.

Things have taken a different shape among the Greek

nation aspiring to constitutional freedom, who, in spite of the deep traces left by their long servitude, and many unfavorable circumstances, yet discover an indestructible vital energy. The priestly party of the orthodox, stirred up by Russia, saw with aversion the severance of Greece from the Patriarch of Constantinople—the puppet of two despots, and victim of a system of universal bribery and venality. This party recognized that a hierarchical domination of the Hellenic mind would not be possible without a Russian Cæsaro-papacy in Greece. They, therefore, sought by every means in their power to shut out the light that was breaking in from the West, and to nip freedom of thought in the bud. Civil liberty, however, and the noble sentiment pervading the popular mind, preserved the possibility of a tranquil advance of learning, science and national piety. The noble and pious funeral oration of Kotzias in Athens (to select the most recent instance), pronounced in honor of his great master Schelling, which has just fallen into my hands, would alone suffice to prove that Greece has not fallen a prey to a materialistic philosophy; and this condition of the Greek clergy is further evinced by their attitude toward science and education; with regard to which their behavior toward the pious American missionary, Mr. Hill, and his excellent wife, deserves a special remembrance.

Thus if we survey the spectacle presented by the Oriental Church, here, too, we see intolerance and persecution triumphant only through the aid of despotic power; while, in spite of the unfavorable conjuncture of the present moment, toleration and freedom of conscience, coupled with intelligence, moral earnestness and religious faith, are evidently destined to counteract them victoriously in the long run.

If we now turn to the Protestant Churches, the phenomenon of Puseyism in the Episcopal Church of England and the United States only appears as a faint reflection of the hierarchic schemes of Rome, its prototype; while it is met by a puritanic resistance of a thoroughly national type, and a universal aspiration after greater evangelical liberty. But to the praise of both parties, and still more to the honor of England, be it said, that the High Church clergy, where they have not gone over to Romanism, can not be called enemies to civil liberty, any more than their theological opponents, the Evangelicals, can be accused of a leaning to a Russian Cæsaro-papacy. After various fluctuations, many of the most eminent men of both parties are now agreed as to the propriety of admitting the laity to a share in the government of the Church, after the pattern of the reform that has taken place in the Episcopal Church in the United States. But on this point the clerical party displays all the blindness of its hereditary absolutism. It is willing, as is said in the resolution passed this month by the majority of Convocation, to "confer" the franchise on the laity, without dreaming that the latter can never admit that any such power resides in the clerical body. The consequences of this obstinate clinging on the part of the clergy to their imaginary right to government are seen in the indifference of the nation to their proposals. This hierarchical party demands from the Crown the authority to draw up and propose for acceptance a reformed ecclesiastical constitution, which it has no more right to do than the old French provincial parliaments would have had to frame a scheme for a free constitution for France. As little does the right of acceptance, that is to say of veto, appertain to them. Besides, the nation would never regard any constitution

emanating from them otherwise than with great mistrust, after some of the leading bishops have openly declared that, in any case, they must reserve to themselves every thing relating to doctrine (including, of course, the reform of the liturgy), as they alone possessed a divine commission for such a work. No doubt they honestly believe that the Spirit was given to them in ordination for this purpose.

The counter-current has hitherto exercised little more than a retarding agency. The laity and the parochial clergy are protected by the common law. The Bishop, can, indeed, canonically depose the latter, and exclude the former from the communion; but the injured party has his action of damages. Thus, for practical purposes, the power of excommunication has entirely ceased; and the clergyman is too certain that a civil action will be entered against him by common law before a jury, to dare to maintain Church discipline. The question is now whether it is still possible to convert this negative position of affairs into a positive one. To this end a mixed Royal Commission might be formed, composed of lay and clerical members, to draw up and propose a scheme of Church government in which the laity should find their place. That, if this be not done, the entire separation of the Church from the State will come to pass, and that by the instrumentality of a puritanic movement among the people, is already foreseen by many. Few, however, on the side of the Church, seem clear as to the mode in which this may be prevented, or so directed as to lead to beneficial results. When the due time comes, the problem will be solved, according to the circumstances of the day, by the public spirit of this Protestant nation, without spasmodic commotion, and in the way most favorable to the interests of religion.

But the fever of Puseyism which has infected the younger half of the clergy, and a part of the University students, together with the ladies belonging to the upper classes, is already on the decline. The realities of life are dispelling it. The arduous conflict waged against Russia, with its solemn aspects for religion and humanity, its lessons and rebukes, and its illustrious examples of self-devotion among those who are not members of the Established Church (as in the case of the heroic and highly-gifted Florence Nightingale), has awakened all who are worth any thing from their dreams. Mediæval phantasms vanish before such realities as the mist before the sun. Thus in Pitt's time the fever of Jacobinism was healed by the realities which called out a national and military spirit; thus in the spring of 1848 the broad practical common sense of the middle classes proved the safeguard of the nation from the delirium of communism and socialism. Thus here, too, reality will deliver the English from the sacerdotal puerilities of Puseyism.

Every thing that exercises a saving influence in England: public spirit; the sense of legally established civil liberty, as a closely guarded jewel, as the very health of life; the conviction that perfect freedom of conscience is alone in harmony with Christianity; that every check upon this is persecution, and all persecution unchristian; finally, the belief that in this unconditional religious liberty the ameliorating agency is really to be found—all this is wanting to that clerical tendency in Germany which corresponds to Puseyism. This, in adopting the title of Lutheranism, constitutes itself at once the heir and representative of the genial though one-sided pietism of the first thirty years of this century, while it makes itself at the same time the organ of absolute

monarchical power and the privileges of the feudal nobility, and, above all, the advocate for the penal laws by which the external discipline of the Church was maintained during the sixteenth and seventeenth centuries. A double police government is the ideal of this party, which is thereby not only drawing perdition down upon itself, but also threatening to deliver up Protestantism and the State into the hands of the Jesuits. That this tendency has completely got the upper hand in Mecklenburg, where it is displaying all the old intolerance of the Lutheran hierarchy, arises from purely political causes. The people there are quite unleavened by this spirit, as much so as in Pomerania and Brandenburg; what may appear as such is only an artificial excitement produced by the clerical or lay hierarchists.

Meanwhile the free congregational and synodal organization sprung from Calvinism, approves itself under the blessing of the Union in the Rhine provinces and Westphalia, by a process of steady and tranquil development. Holland and Switzerland present a similar spectacle. After many struggles—in Holland with the civil power, in Switzerland with an unbelieving democratic party—that liberal tendency has conquered, of which the noble Vinet was the apostle and martyr; and with the existence of liberty, a solution will be found for those difficulties which still remain. Thus in Geneva especially, the old evangelical body of citizens, the town of Calvin, will emerge victoriously from strife and division, while in the Canton of Vaud a better state of things has already been introduced which is based upon a secure foundation.

In Sweden the Church has been kept freer from the power of the State than the other Lutheran Churches, but it has remained stationary in its earliest stage; it is devoid of spiritual life, and defaced by police coercion,

which it has the unhappy privilege of using on its own account. How can we wonder, therefore, that in the Scandinavian people of Sweden a revival of spiritual life should be attended with convulsive throes, and threaten to degenerate into fanaticism! How can we wonder that with such a national Church the Peasant's Chamber should be the great stronghold of intolerance, which retains banishment and persecution as the law of the land! But the time can not be far distant when the Swedish people, with their clergy at their head, will spurn this legacy of the same hierarchy, to break whose yoke they have for centuries poured out their hearts' blood with noble self-devotion and the courage of Christian faith. Here, as elsewhere, civil freedom is about to demand and conquer religious liberty.

On comparing the various pictures we have been surveying, we can not fail to detect an inward resemblance in spite of all their differences. All these phenomena in Asia and Europe may be reduced to six simple propositions :

I. The *absolutism of the State* has strengthened the absolutism of the hierarchy, even more by its resistance than by its patronage; for it has shown itself unequal to the contest, at least in the long run.

II. *Protestantism* has nowhere developed itself vigorously, and exhibited a capacity for educating a people, except where the reformation of the Church has given birth to civil liberty as its logical and practical consequence.

These evidences of vital energy and practical efficacy have exhibited themselves only in connection with the Reformed communities, but have done so there with such power as to affect the whole course of history; while they have never anywhere been manifested in connection with the Lutheran churches.

III. *Civil liberty* has never displayed any vigor except where it has rested on self-government in the lower spheres of common life; and this has never been possible except where freedom of conscience exists. This freedom is based on the congregation, and the idea of a congregation has its root alone in personal religious self-determination.

IV. The *Hierarchy* desires freedom of conscience only for itself, and instinctively combats it in others.

V. *Religious liberty* has never yet led to political revolution, but its suppression often has.

VI. *Intolerance and persecution* have neither brought blessings to governments nor peoples; but they have been the greatest curse to Protestant governments, because in this case they have involved an intrinsic self-contradiction.

Thus the congregation is the root, liberty of conscience is the soil; but religious self-determination, the sense of moral responsibility, is the divine energy that causes the plant to spring up.

That root which Boniface found already in a feeble condition, and did all he could to clip and dig away, seemed quite dead when the world was divided between Emperor and Pope, or Pope and Emperor. It was forgotten in Protestant countries also, where the watchword was only Prince or Clergy. But behold! suddenly it begins to bud afresh in every land, and manifests a renewed and vigorous life; not in self-destructive struggles, nor yet in mere isolated phenomena. Mankind feels that something new is about to be born into the world. This root of the Christian life in union, the *Christian congregation*, is called by a term which the clergy have appropriated to themselves, and which has thereby lost its true meaning, THE CHURCH. This properly sig-

nifies the Christian people, regarded as an organized and well-arranged community, with its elders and servants. The congregation existed before the Christian imperial, or papal power, and will outlive both. All that the clergy of Boniface say of the *Church*, is perfectly true of the congregation, the *Ecclesia*; which is brought forth and germinates wherever there exists a believing household; and has no limits but those of our planet. Her faith builds up nations and States, but she has no fatherland but heaven, that is to say, the perfected kingdom of the Spirit. In spiritual matters she knows no father (*Papa*) but God, no master and lord but Christ, no code but the Bible, no supreme tribunal but the universal conscience of humanity, which, regenerated by the power of that charter of its rights, is building itself up into orderly Christian congregations.

It is this Christian congregation of believers which in the camp of the hierarchists is called unbelieving and godless, and in the camp of the political absolutists, a set of fanatics. Why? Because they desire toleration and freedom of conscience, and because freedom of conscience can not subsist permanently in human society without civil liberty. Only in connexion with liberty of conscience does the page of history present us with the free Christian congregation in victorious possession of its rights, and exercising a conservative influence on the course of history. With majestic tranquillity the Christian *Ecclesia* advances to the reconstruction of a world, while absolute hierarchism, which condemns her as devilish, is found totally powerless to save peoples or States, though mighty indeed to draw them down to deeper and deeper destruction. Certainly, in these days a resuscitated hierarchy is exerting an increasingly powerful

influence throughout the greater part of the Western Continent, and even of our own country—nay, in one form or other, everywhere. The converts which it makes from skepticism easily fall a prey to superstition; nay, many thinkers of eminence, and powerful governments, are coming to doubt whether the hierarchy is not perhaps destined to rule the world once more. If it can not regenerate humanity, or remedy disorganized finances, it may yet, perhaps (so think many), bind up the bleeding wounds of the present, strengthen the hands of the governments, and bring the nations repose.

The unprejudiced observer of human affairs will not be deceived as to the true bearings of this conflict of principles, however it may be attempted to conceal them. That conscience acting under the guidance of reason, which we are wont to call healthy common sense, and its most universal expression—public opinion—are now, once for all, steadfastly fixed on the actual conditions of civil society, and are becoming daily more capable of a mature judgment. But the conscience and common sense of the public will never allow them to be persuaded out of the belief that this is a question of "to be or not to be" for the Present; and of what is to rule and determine the Future. A presentiment of the approach of the latter days pervades humanity almost as it did nineteen centuries ago. The temple of Janus was closed; Augustus reigned without a rival; the people withdrew exhausted from the arena. But do we see the reign of true peace—real tranquillity? Is Rome entering on the undisputed sovereignty of the world, or on the period of her own decline? There came a voice out of Judæa, and where remained high-priesthood and the Empire of the Cæsars?

Is it to be ebb or flood? forward or backward? up-

ward or down to the abyss? This is the question in every agitated epoch big with great events, great recollections, and great expectations.

Now we know what a divine energy is latent originally in the Christian Congregation, namely, that of a free conscience. In this lies the power and the weakness of the hierarchical system. What it has suffered to remain of the congregational element is that which keeps it in being, despite its glaring defects; the want of a free, self-responsible conscience, is that which weighs it down. If the hierarchical system be so firmly rooted in the affection of the Catholic populations as many believe, why can it be kept up only by means of Concordats that can not be enforced, and special privileges that can not be practically maintained? Why can it hold its ground only by the power of the bayonet, the ignoring of all historical science, and the suppression of all freedom of speech and of the press? Why must the noblest Catholic populations be cut off or restricted from meddling with ecclesiastical matters—nay, more or less with intellectual subjects altogether—lest they should be carried away by the spirit of fanaticism?

As in nature, so in history; a force acts only where it finds a vacuum in which it encounters no opposing force of equal magnitude. Nothing dies except from the absence of inward vital energy; and every thing perishes by reason of itself, namely, by its own principle of self-seeking, which oversteps the conditions of its existence through criminal arrogance or blind folly. There is nothing which has been created and subsists as an end in itself, for its own sake; but every single thing lives in relation to the Whole; but that Whole subsists only by the free surrender of the individual for the common good.

Why was the eighteenth-century system of turning the body politic into a police-machine, unable to maintain itself? Because on principle it sought its basis in the selfishness of dynasty and caste.

Why could not the republic endure which rose upon the downfall of the throne in Catholic countries? Because it was only another form of the same selfishness, and contempt of the rights of others.

Why perished the tolerance and religious freedom which was preached by the philosophers of the Revolution? Because, like those men themselves, it lacked the deepest groundwork of all freedom—that of moral earnestness, and of true respect for that humanity whose liberation it proclaimed.

Why did the metropolitan system of the Gallican Church and St. Boniface fall vanquished in its contest with the absolutism of the Papacy? Because it had raised itself at the expense of the Congregation. It fell by the very principle which, for a time, had given it power.

Why did the freer system of the British Church vanish before the episcopal system of St. Boniface? Because it no longer satisfied the requirements of the Congregation and those of humanity; because it could no longer fulfill its vocation in the world's history. Power is ever victorious over weakness; but if it be a selfish power, it conquers only to fall into deeper destruction.

Why did the Reformation in Germany stand still after it had become the dominant religion in nearly every district of the country? Because the theologians and nobles who guided the Protestant peoples did not understand, or willfully disregarded their high vocation; because they turned the divinely-bestowed possession of

the Congregation to their own ends ; because they denied their own fundamental principle.

What in our own days has brought the mediæval and Catholicizing "Romantic School" into vogue? The emptiness and wickedness of the eighteenth century. What has corrupted and overthrown this "Romantic School?" That it sought the future in the past—that it forgot the Congregation, its mother, and the Free Spirit, its father : it has perished because it disdained realities, and reveled in the dreams of its own imagination, if it did not stoop to selfish ends of personal advantage.

What gave Puseyism its power in Protestant England? The want of intelligence among the Evangelicals, the one-sidedness of Methodism, and the impotence of the philosophy of the skeptical eighteenth century. What has thrown Puseyism into the arms of Rome? Its toying with a conscious lie—with a self-seeking hierarchical principle on the domain of Protestantism.

What has all at once given Lutheranism, already odious through its intolerance and bigotry, such an influence among our clergy that the Lutheran pastors are rising up against their academical instructors? That many of these latter have forgotten or neglected life and reality; despised, too, in some cases, the poor of Christ's flock, and worshiped themselves and their philosophy as an ultimate end, instead of serving the flock of the Lord, when it looked up with wistful longing to those who held in their hands the keys of knowledge.

What has shaken to its center the Evangelical Union in Prussia, and prevented its establishment on a firm foundation? Not simply that in some instances proceed-

ings have been instituted against the Old Lutherans* according to the strictest letter of the law; no, it is because in general the dictatorial system of Church government had lost the forms through which the Congregation with their Synods would have been able to create what alone could have wrought any good; that men tried to build the house of God without seeking for its living stones—to plant a tree without leaving room for its roots and branches to grow.

There is one eternal law of the universe in all things—a law of love, but also of almighty power, which is at work in all these phenomena. But there are times when this divine law claims its right more loudly than is its wont—when the Spirit of God, moving through the ranks

* The “Old Lutheran” party took its rise in 1830—many years after the Union had been in full and beneficial operation throughout Prussia—when Scheibel, a professor in Breslau, refused to use those formularies in the celebration of the Lord’s Supper which rendered it possible for Calvinists to join in the communion. He soon found a considerable number of adherents, in spite of the king’s repeated declarations that the Lutherans were not required by the Union to lay aside their distinctive creed, but merely to admit the Reformed Churches to practical Christian fellowship; and the king, much annoyed by a movement which threatened the existence of the Union, endeavored to put a stop to it by measures of repression. These were more harshly enforced than he intended by the Government officials, and led to the banishment of Scheibel from Silesia; the incarceration of several ministers; to the occupation of the Church of Hoeningen, in Silesia, on Christmas-day, 1834, by soldiers, to keep out the real congregation and install the new minister; with other acts of persecution. The king, whose advanced age rendered him timorous and unimpressible, did not perceive the gross injustice of these proceedings; but on the accession of the present sovereign, the grievance was redressed by an act granting full liberty of worship to the “Old Lutherans,” as a separate body from the “Evangelical Church.”—*T.*

of men, is more visible and audible than in ordinary ages. These are the times in which things tend rapidly to restoration or destruction. Our age is such an epoch—especially in our fatherland.

Let us leave politics behind for a moment, let us not discuss the separation of Church and State as if this were the magic talisman which would give us all that we desire. Certainly many things do seem to tend that way, and it will surely come to that, if the present conditions of things do not answer to the wants of humanity, if they conduct to more hopeless entanglement instead of yielding a clew to the gradual solution of our perplexities. But one thing now is needful—most urgently needful—namely, FREEDOM OF CONSCIENCE; that is to say, free room for the divine impulse to act in individuals and in the Congregation; a recognition of the fact that any pressure exercised upon the conscience is rebellion against God. It is no longer proud toleration of error, but equality of rights on the domain of conscience, that must be granted. The protective forms of law, which afford free scope to every Christian community that proves itself to be a religious body, are at the same time the most effectual means of averting that Socialism and that subversive tendency in politics which here and there assume the mask of religious congregational activity. Only under this banner is it possible to withstand every kind of absolutism which seeks to establish its supremacy in the domain of the Spirit by legal coercion exercised by the State or the Church. None but a free State can, with consistency, condemn arbitrary acts; none but a free State can succeed in establishing toleration where it is wanting, transforming it into freedom where it exists, perfecting in faith what has been begun in faith, even if carried out by philosophers.

Man can not live without breathing the vital air; the *Ecclesia* of that Christianity which is one with morality, and works by moral means, can not live without the divine atmosphere of liberty of conscience. All desire to possess this liberty, and with reason; but none should desire this divine treasure for himself—for his own selfish ends. Each should make himself worthy of his freedom by respecting that of his neighbor, and by honestly recognizing the universal authority of the “royal law of liberty.” From within outward must all change for the better proceed; and the Governments which desire such a change must lead the way by setting a good example. The star which they have worshiped, the power to which they have bowed down, fades away with the dawning of the sun of liberty of conscience, the emanation of that divine Light which shone out on this world in Christ Jesus. The path of unconditional and unmeasured exercise of arbitrary power, which the spiritual power has entered on, will lead as a matter of fact, and by the necessities of its nature, to ever-increasing embarrassments with the State as well as with the individual. These embarrassments will call out more and more open resistance; this will lead to harsher and harsher oppression, from whence to despair and deadly strife the step is not wide.

The world is no longer what it was at the outbreak of the great French Revolution. At that era, egotistic absolutism, and the most rigorous restraints on conscience proceeding from Spain and Rome, had brought mankind to the skepticism of despair, or the bitter mockery of a Rabelais. For this reason Christianity had died out in the nations. It may indeed have survived in individuals as a Thought, but not as Will, which can re-mold life and society. Moral courage and earnestness were

wanting, and the contest began on the pestilential soil of skepticism and moral corruption which the Jesuits and their abettors had left behind them. Such a soil could at first bring forth nothing but poisonous *fungi*, and it brought them forth. But a nobler growth sprang up with them, and gathered strength from the air of freedom. Now the case is far otherwise. The races of Europe are sighing for the Gospel and its peace, but also for its light and its liberty. "More light," was Goethe's last word; "more darkness," the first word of the hierarchy after its restoration. The Romanticists promised a golden future; noble minds reveled in the poetry of a departed age, and idolized its defects and follies, while they looked down with contempt on the sober sense (sometimes, too, on the "common-place morality") of the eighteenth century. Sophistical historians whitewashed all the bloody men of violence and persecution, and cast suspicion on the heroes of freedom and humanity. Sophistical dabblers in politics taught that tyranny was freedom, selfishness, the true statesmanship of princes, and the State, a mere bundle of personal and separate interests. Others desired to make us believe (and did really find faith among great men and princes) that modern political economy leads to the dissolution of the State, and is equally false and godless; that closed guilds, monopolies, and prohibitory laws were the pillars of prosperity, and would restore the disordered national finances to a healthy state. Adam Müller based the three-course system of agriculture formerly in use upon the doctrine of the Trinity! Mystagogues proved that the true history of all science and art, as well as religion, was mystical—a secret hidden from reason, and true from its very contradiction to her. According to this view nothing was so unreasonable as

reason; but still there was a science of the Incomprehensible for the believers in the Pope, which, soaring on the wings of mediæval art, was destined in a few years to give the lie to all the proud wisdom of the last few centuries, and convict them of impious error. History was turned into legend. Nothing was any longer certain but what contradicted reason: that the earth turned round the sun was called very doubtful among Protestant hypocrites or weaklings: while in France shining crosses in the sky, and letters of the Virgin Mary fallen down from heaven, claimed credence—and obtained it!

What has become of all these phantasmagoria? Despite them, the Parthenon has remained in its ancient glory beside the Gothic minsters, and as a world-wide type for all ages, stands above them; and the exaggerations of the mediæval spirit are now found as ridiculous as those of the antique. The prophecies relating to science have proved themselves equally delusive with those concerning politics. Where are the historians who write German history, now-a-days, after the fashion of Frederick Schlegel, or political economy according to Adam Müller?—political jurisprudence, according to Haller?—the history of ancient religions, according to Görres? or that of Christianity, according to Stolberg? or biblical criticism, according to Hengstenberg? There are, indeed, some who do so, but not one writer of note

* Adam Müller, author of "*Ueber die Nothwendigkeit einer theologischen Grundlage der Staatswissenschaft und Staatswirthschaft*," was born at Berlin in 1779, and turned Catholic in 1805, after which he was much employed by Metternich, at Vienna, where he lectured and wrote on a new system of national and political economy, which, according to him, was based upon Christian principles. He died in 1829.—*Tr.*

—not one who has a seat or a voice in the republic of letters. Such a journal as the *Univers* can maintain itself only on the field of skepticism and religious indifference.

And what has become of those who wished to convert the people without the Bible? and make them obedient without will? and learned, without mental freedom? Do the governments which have re-established, or at least are favoring the Jesuits, come to that Society when they want to re-animate science which has died out in their countries, and implant learned culture afresh?

There is no Strength without Freedom: that is the lesson taught by all modern history and recent politics to our governments. *There is no Freedom without its due Bounds*, therefore without moral earnestness and the love of the Gospel, which alone can assign its rightful limits. That is their lesson for the peoples.

The licentiousness of the democratic element in the popular movements of Germany has blinded the eyes of many to a truth which in 1848 was undisputed and unmistakable, namely, that the retrograde movement in the world of thought which began in 1821, is strongly and increasingly on the decline, and must decline therefore also in the regions of politics and religion. But the full force of the counter-wave will be felt all the more powerfully the more unexpectedly it overtakes us. This is my profoundest conviction, and I doubt not, yours also, my honored friend. But even those who do not share it with us, ought on that very account to join with us on the matter of freedom of conscience. Where has this led to revolution? Where has restraint on conscience ever issued in the tranquil-

lizing of the people and the lasting restoration of the governments?

It is as superfluous to demonstrate the morality and reasonableness of freedom of conscience and religious toleration for those who enter on the consideration of the subject in good faith and earnest thought, as for those who will listen to nothing which runs counter to their prejudices, or (what is worst of all) their personal and corporate standing. He who will have a church must build up a congregation; but the stones of the edifice are the free consciences of the individual believers. The whole structure rests upon personal piety; therefore, upon respect for conscience and faith in God's free Spirit. If any will not hear the voice of the Lord and his disciples, nor yet that of his own conscience, we refer him to the earliest and the latest martyrs of religious liberty—Barclay and Vinet. If he be a speculative philosopher, to Kant, Fichte, and Hegel also, or even to their seeming opponents, Rosmini* and Gioberti—may whose ashes rest in peace, and their memory be blessed! As with the Gospel, so with modern German philosophy the State is the highest realization of the

* Since Rosmini is not so well known in England as the Abbé Gioberti, it may be as well to mention that he was the author of some philosophical works, for which Gioberti attacked him in a special treatise, "*Degli errori filosofici di Rosmini.*" While Rosmini's semi-clerical philosophy was considered, on the one hand, perfectly sufficient to overthrow German philosophy, it nevertheless gave umbrage to the Roman Pontiff by its liberality. Rosmini accordingly recanted any error into which philosophy might have led him, and retired into a convent in Lombardy, with a number of devoted followers called Rosminiani, who gave themselves to preaching whenever they were asked to do so in churches. He died last year in Lombardy, and by a large number of the clerical party is regarded as a saint.—*Tr.*

moral idea, and religion has its divine root in the moral, therefore free, unforced, conviction. If, finally, he be a student or writer of history, let him read the contemporary memoirs of the last three hundred years as living facts and testimonies for the respective influences of religious liberty and religious oppression on nations.

And now, since I have made this open confession of faith (or rather renewed it, for I have never had any other faith than that of freedom), I will with good courage go straight to the heart of things as they are. We found in our former meditation in what an irreconcilable antagonism the absolutism of the State was involved with that of the Church, and we are brought by the history of the conflict itself to the conclusion, that the disappearance of the Christian people as the organized Christian Congregation, and of mental freedom as the vital air of faith, may be considered as the fundamental origin of this internecine strife. If our view be correct, the way of escape must be clear, and the solution of the problem easy in all Christian States, whether the complete separation of the civil government from the ecclesiastical take place or not. By finding a solution, I, of course, refer only to the laying down of first principles; the world-wide scope of our present problem of itself precludes our following out these leading principles into their special applications.

The first dispute we encountered was that concerning MARRIAGE; and here there are three points in particular which present difficulties to the legislator: first, THE RELATION OF THE STATE TO THE CONTRACT OF MARRIAGE; secondly, ITS RELATION TO THE DISSOLUTION OF MARRIAGE; thirdly, ITS RELATION TO MIXED MARRIAGES.

The principle of solution with regard to the contracting of marriage was first broached by Napoleon; Peel's application of this principle in England is insular in its character, resting on entirely peculiar historical relations. The Episcopal Church alone has power to celebrate marriages for all sects alike; in the case of Catholics and Dissenters all that is required is for the bridal pair to make a very simple declaration before the civil registrar. Several States of the American Union have gone further still, but in them there exists a complete separation of Church and State. Thus, again, England has no civil legislation with regard to the dissolution of marriage. Her tribunals recognize nothing but the canonical laws of the Popes, which know no divorce, but, on the contrary, cause the parties to swear that they will not suffer themselves to be divorced. But since Charles the Second's time, the custom has gradually crept in (as regards the rich, that is to say) of applying to the Upper House in cases of adultery—only that of the wife, however—in order to obtain a divorce by a private bill: a *privilege* in the old sense of the word. A legislation so replete with self-contradiction is by no means calculated to supply the deficiency of the civil code; and the introduction of judicial divorce in accordance with the precepts of the Gospel, which is already proposed, will be the forerunner of wider reforms in civil legislation.

Napoleon's system of jurisprudence is a model as regards the recognition of the independence of religious from civil legislation: the State can dissolve only that which it has sanctioned, namely, the civil contract of marriage; the Church retains her right to exert authority within her own domain—that of conscience and morals—even by exclusion from the pale of her com-

munion, according to her laws. In establishing this principle, Napoleon was treading in the footsteps, not alone of Solon and the twelve tables, but also of Abraham and Moses, and the laws of the ancient Christian Church. He put an end to an encroachment on the part of the ecclesiastical law which had taken place during the mediæval chrysalis-period of Christianity. On this point, too, his Code is greatly superior to the Prussian Code, which makes the priestly benediction a condition of the validity of a marriage, and yet dissolves this religious marriage, regardless of all ecclesiastical law or moral earnestness. It must not, however, be forgotten that this moral laxity subsisted in the practice of the German law long before the Prussian Code was framed. The German jurisprudence had not indeed reached that contempt for marriage which constituted the exclusive glory of Poland and Venice, where a show of force in the solemnizing of the marriage was permitted to take place in order to form a ground for proving it invalid subsequently. In Protestant Saxony, however, for instance, any marriage could be set aside at will, on the plea of divorce for adultery, or forsaking with malicious intent, by a criminal understanding or collusion between the parties. The corruption thus engendered was so great that it was thought less immoral to facilitate the obtaining of a divorce by honest means than to have it obtained by lying and perjury. With such laws it was a great inconsistency, a contempt for the Gospel, an insult to the Congregation, an unexampled piece of tyranny toward conscientious clergymen, that the law required them to treat a marriage, dissolved in contradiction to every Christian precept, as non-existent, and to pronounce the benediction on a fresh marriage, which, according to the undeniable precepts

of the Gospel, was mere legalized adultery. But the solution of these difficulties is to be found only in a civil marriage. Equally inconsistent, however, is the invalidity established by usage in the French courts of law (it is not so in the Belgian) of a marriage contracted by a man who was formerly a Roman Catholic priest. But the prohibition of divorce (by the law of 8th March, 1816), which was introduced at the Restoration, disturbed the whole of the laws relating to marriage, and was besides, for the Protestants, an insulting oppression on their consciences. By this measure the Government of the Restoration not only evinced its servility to Rome, but also proclaimed that the Bourbons had less faith than Napoleon in the vital power of the Catholic Church. They believed as little as the papal clergy that the Church would be able to maintain itself against the operation of the civil law. Had moral earnestness been the motive for this change they would have adopted a stricter standard with regard to the grounds of divorce admitted into the code. The abrogation of the thoroughly immoral ground of "mutual consent," which holds out a temptation to levity in the contracting of marriage, and lowers matrimony to the level of concubinage, had found universal approbation. It was, moreover, from this unbelief in their own Church that they gave the Protestants no legal remedy against the operation of this law, which was entirely in opposition to their own consciences; it was feared that to make an exception in their case would lead thousands over to Protestantism. The experience of Belgium and the Rhine provinces, in which this Bourbon-papal mutilation of the *Code Napoleon* has not taken place, testifies for the power of a free conscience.

According to the conscience of all Christian nations

marriage can be dissolved by death alone. But the majority of Christian nations, both in the East and West, consider at this day, with the Gospel and the ancient Church, that death ensues as regards the marriage contract when the wife betrays the sanctity of paternity intrusted to her keeping—and it is this alone which is called by the ancient Christians, as by the Jews, adultery. But it is an equal crime when the husband does not afford the protection he has promised, but breaks his faith as a husband and master of a family, by forsaking his wife with malicious intent. In both cases the natural consequence can be nothing else but entire civil death, extending to the devolving of the estate upon the next heirs during the lifetime of the parties, and incapacity to enter into a fresh union and beget legitimate issue. But the great and wealthy have found the Christian yoke too hard, and thus, after the degradation or annihilation of the Congregation which has crept in, in the civil as well as ecclesiastical sense, during the course of centuries, they have endeavored to evade these consequences of crime by immoral juristic quibbles and legal iniquities.

This is the clear doctrine of the Gospel and Apostles, which I have long recognized and professed, in opposition more especially to the inclination sometimes shown to touch the laws relating to marriage with the profane hands of police regulation; and probably I may have occasion, before long, to come before the Church with a further exposition of these principles. The solution of the problem from this point of view is very simple. The State may either bring its action into harmony with this evangelical view, as will probably be the case in England, or it can, after the example of the French and Prussian codes, open the door to a somewhat wider mode of meeting the difficulty. As regards the grounds of divorce in

the dissolution of the civil marriage, the *Code Napoleon* has clearly hitherto maintained a higher moral position than that of Prussia. But I must here repeat that the ground taken by the latter was, to a great extent, a mere attempt to set bounds to the immorality, shamelessness and ungodliness to which the higher classes had abandoned themselves previous to the great French Revolution. Their immoral grounds of divorce found neither approval nor imitation in the middle and lower walks of life, till the poison had gradually oozed down from above. The French Code, likewise, is stained with the permission of divorce by mutual consent; but a divorce on this ground which turns marriage into concubinage, can take place only under circumstances which make it very difficult to be obtained. On the other hand, the project of law which was laid before the Prussian Chambers last year by the Government, places our code above that of France; and it is only to be regretted that that, as well as the stricter project introduced by Stahl, both suffer from the curse of police interference. The State has no right to raise an accusation which the injured husband or wife does not raise. No one will expect any blessing to result from giving the police power to protect the sacredness of marriage and punish its infringement, who has seen, in the ecclesiastical pattern-State of Rome, how easily with hypocrisy it can be abused to the perpetration of the greatest iniquities. The sins of the poor are visited, while the often far deeper crimes of the greatest and highest in the State remain unchastised.

We turn to consider the various attempts that have been made hitherto to establish a friendly relation between the civil and ecclesiastical marriage. Wholly irreconcilable with the main object of the civil marriage

as instituted by the *Code Napoleon*, is the arrangement proposed by Rome, and introduced in some places (recommended also by M. Thiersch, junior), of causing the civil ceremony to take place after, instead of before, the ecclesiastical. By this plan the obligatory character of the religious service, which it was the object of the State to remove, is restored, and the State undertakes duties without possessing rights. The same defect appears in the proposal of the majority of the Sardinian Senate, that the civil marriage should take place only where the parties are not Catholics.

With respect to the naturalization of the civil marriage in Germany, various plans have been proposed. Some would only allow the civil marriage to take place in case of necessity: thus, for instance, when the Church benediction is refused. No scheme can be more unworthy and more ineffectual. If the State recognizes the civil marriage as legally justifiable only in case of necessity, it degrades its own act; while the Church has, notwithstanding, right to complain of an infringement on her province. In Baden, where the *Code Napoleon* is the law of the land in civil matters, the civil magistrates do no more toward the marriage-contract than to set forth a document, notifying that there is no longer any impediment to the marriage. This is to degrade the act of the State to a permit from the police. Neither can I regard it as expedient that in Baden the clergyman represents at the same time the civil functionary, by reading the articles concerning marriage to the bridal couple in the vestry. In the Church the clergyman should know no code but the Bible—no moral precepts but those of religion; he is not the mouthpiece of the law, but of conscience. And this practice is very generally felt as a grievance. How, then, is it to be ac-

counted for that even so circumspect and intelligent a judge as the author of an instructive disquisition "On Civil Marriage in its relation to the Church" (inserted in *Cotta's Vierteljahrschrift* for 1850) should yield to the prejudice that the introduction of civil marriage would wound the religious feeling, more especially of the Protestant population? Evidently the main cause is, that he has no faith in the *Ecclesia*, which has here become invisible against its will. He constantly sees nothing beyond the political machine of police and officials, with that dependent institution which it calls "the Church." From this point of view he is perfectly right, when he says that the practice, retained for instance in Wurtemberg, of consulting the ecclesiastical dignitaries in all proceedings relating to marriage, has proved itself wholly inefficient.

The annihilation of the idea of the Congregation is altogether the weak point in the marriage-law of the *Code Napoleon*. The *Maire*, who answers to our village magistrate or burgomaster, is, in most cases, no worthy representative of the majesty of the civil commonwealth, which we call the State. The sacredness of the Church is, with regard to such a ceremony, represented by the meanest of her ministers, but the majesty of the State is not by its lower functionaries. The reading of the admonition prescribed by law, is in itself a solemn ceremony, considered as the voice of the State, which, by this act, places itself in subordination to the Divine law. It recognizes thereby that it has found marriage existing, and derives its own being therefrom; and its exhortation to the parties to consider, with due gravity, the importance of the step they are about to take, is its homage to the law of God, standing above all human regulations, which has its seat in the conscience,

and to the eternal moral order of the universe, of which conscience is the revelation. But it is, at the same time, a recognition of the Christian Congregation. Thus, among the English Anglo-Saxons, the porch of the house consecrated to the spiritual use of the congregation, was chosen for the solemn celebration of betrothals (called in North Germany *Winkop—Weibkauf**). That magnificent and unique formula of the marriage vow, which now forms a part of the English Church Service, is of indigenous origin, and derived from Germany; Tacitus knew it, and mentions it with admiration.† It would be well, therefore, if the civil marriage were only allowed to take place in the more considerable towns, while the magistrates or burgomasters of the village to which the parties belong, with other representatives of the peasantry or citizens, should also be present as witnesses. No one would object to the trouble or expense of such a bridal procession.

With respect to *mixed marriages*, what was more especially understood by this term in the good old days of Lutheranism, was the marriage with members of the Reformed Church. In one of the recent numbers of the Darmstadt *Allgemeine Kirchenzeitung* (7th July), a worthy man expresses his horror at the exploded fanaticism of a Lutheran pastor in Bavaria, who, glorying in his narrow-mindedness and priestly self-conceit, has (evidently with a side glance to the present) picked out

* The purchase of a wife.

† Tacit. Germ xviii. "Ne se mulier extra virtutum cogitationes extraque bellorum casus putet, ipsis incipientis matrimonii auspiciis admonetur, venire se laborum, periculorumque socius, idem in pace, idem in proelio passuram ausuramque, hoc juncti boves, hoc paratus equus, hoc data arma denuntiant. Sic vivendum sic pereundum: accipere se, quæ liberis inviolata ac digna reddat, quæ nurus accipiant, rursusque ad nepotes referant."

of the dust of the Church Archives, "as a flower of the Church," the account of the conversion of a Calvinistic lady of the seventeenth century, in which she submits to adopt the Lutheran doctrine of the sacrament, and thereupon becomes the wife of the Lutheran pastor who writes the account. The writer of the article might find a passage in Carpzovius, which runs thus: "The marriage [of an orthodox Lutheran] with a Catholic is not indeed attended with the disgrace which attaches to the marriage with a Calvinist, still it must always be regarded as a subject of regret and disapprobation." This was written in the time of the Thirty Years' War! And such miserable stuff does the ill-advised priestly party rake up from the ashes of the past to rekindle evangelical faith, or rather confessional bigotry!

We term *mixed marriages* those between Protestants and Catholics. With regard to these, it is universally acknowledged that the participation of the State, to a certain extent, is indispensable as a defense against hierarchical oppression, and for the sake of domestic peace. The regulations contained in the Prussian laws on this subject, appear to correspond the most closely to the dictates of reason and justice. They may be reduced to two points: No constraint shall be exercised either by the State or the clergy; the father and mother alone shall decide: Compacts between parties betrothed to each other can not be made the ground of complaint against the father, who is regarded as the head of the family.

Thus the State does not require the Catholic clergyman to perform an act which he is forbidden to do by the laws of his Church; but it forbids him to commit an offense against the laws, by demanding any promise from the bridal couple with regard to the children that may

be born to them. The remaining difficulties will disappear on the introduction of the civil marriage, but only thereby.

With regard to the marriage between Christians and Jews the most advisable course appears to me to consist in the application of a just and wise maxim of the Prussian Code. The maxim is as follows: "A Christian can not contract marriage with such persons as are prevented by the precepts of their religion from submitting themselves to the Christian laws of marriage." This maxim, however, clearly justifies the prohibition of marriages between Christians and Jews, which it has established in practice, only in so far as the Jewish community in the State abides by all the Talmudic regulations, and the parties are unwilling to receive the Christian benediction which is required by the existing law.

With regard to the second point in dispute between the State and the hierarchy, namely, the EDUCATION OF THE PEOPLE, this is the most sacred Right, and still more, the most sacred Duty of the State. But on this question various systems are conceivable. Positive religious instruction may be excluded from the public primary schools, and regarded as the province of the ministers of religion belonging to the various confessions, as is the case in most States of the American Union, though a selection from Holy Scripture is usually retained. Or religious teaching may form a part of the course of popular instruction, but it may be so arranged that the minority is not compelled to take part in it, as is the course pursued in the primary schools in Prussia. In our gymnasia, the masters nearly always belong to one confession. Or, finally, the different persuasions may have separate educational institutions maintained at the expense of the State, or of the particular religious

body. None of these forms is absolutely inadmissible; which is the best, is a question which must be answered variously in different States, and even in different provinces of the same State.

But no form is admissible which does not hold fast one thing, namely, that liberty of conscience be not infringed, both for the sake of conscience itself, and as representing one of the true guaranties for the Christianity of the State. The reproach still often made against the first of these systems, according to which the religious instruction is left in the hands of the special teachers of religion—that it is a godless system—is equally unjust in itself, and unconfirmed by fact. That such a severance between religious and secular instruction must ever be carried out with the most tender and judicious consideration for the existing religious sentiments of the people, and with sincere moral earnestness, follows of necessity from the fundamental principles we have already laid down.

All this, my respected friend, we will sum up in one word—yes, FAITH in God, in Christ, and in Man.

Of course, to follow out our fundamental maxim of liberty, in addition to the schools provided by the State, the existing religious denominations ought to have the full and unrestricted right of establishing special religious schools, at their own expense, for the children of their members. But the State ought to do every thing in its power that its own schools should be the best. That at this moment educated Protestants in the United States are sending their children to the Jesuit schools, which send out 4,000 young people annually, arises from the fact that the State has not done its duty beyond the sphere of elementary instruction. Boston alone, with its university of New Cambridge, makes an

honorable exception. The once famous Columbia College is in decay. With the present rekindling of national feeling (originally directed against the offscouring of Europe, and especially the barbarism of the Irish immigrants), in which the Know-nothing movement has its roots, no doubt this weak side of the national development, which is so admirable in other respects, will not remain unremedied. The allurements to forsake the self-sacrificing service of science, and the still more self-denying vocation of an instructor, are in that Empire more numerous and powerful than anywhere else. But, hitherto, thanks to the moral and religious earnestness of the Puritans, which is the healthiest and most vigorous root of that gigantic State, there has never yet been wanting a corresponding moral energy to remedy any recognized deficiency; and, on the other hand, the social conditions of America present peculiar advantages. But this much is certain, that against a centralized power, such as that of the Jesuits, neither the isolated efforts of individuals can succeed, nor yet such State schools as entirely exclude religious instruction. The demand of the Catholic bishops in the Union, more especially urged by Bishop Hughes in New York, that the State should surrender a proportionate part of the revenues for national education to the bishops, or Jesuits, for their Catholic schools, was unreasonable, and it is this which has given the political faction of the Know-nothings its present aggressive tendency.

Now, where the State and the Church are not entirely separated, it is impossible to deny the State a right of superintendence over all private schools, or to dispense with the exercise of this right, seeing that it has to prescribe a certain standard of education which must be reached in every such private institution. The State

must, therefore, test the abilities of the teachers, and be represented in the examination of the pupils.

As regards the education of the clergy, there are three rules which have approved themselves in practice as the most just and effectual.

I. That the State should refrain from taking any part in the purely spiritual training of priests.

II. That it should not suffer this to commence until after a preliminary national training has been passed through in the gymnasium and at the university.

III. That at the universities the State should not allow the Bishops to appoint the theological professors, but should give them a veto on a statement of their reasons.

On this point, too, Prussia has taken the lead of all other States in wisdom and fairness.

From the ground we take of entire liberty of conscience, and real independence both of the State and the congregation, we can regard no other attitude as fitting—no other solution of the problem presented as true.

We now come to the last, and also the sorest of the contested points. The question of THE TENURE AND ENJOYMENT OF CHURCH PROPERTY meets us throughout history as the most fraught with danger of all those involved in the conflict between the officials of the State and the priesthood. But even this offers no insuperable difficulties if the principles of perfect liberty and legality which we have indicated be honestly and rigidly carried out, under the guidance of existing circumstances. I believe I may here lay down the maxim as universally admitted by all juriconsults, that Church property is sacred, but not, like private property, irrespective of the use made of it. The possessor for the time being has no right of disposal over it: he has simply the usufruct,

and that only under certain conditions, and for a public end. If that end be not answered—those conditions not observed—the State has not only the *right* but the *obligation* to take away the property from the possessor or corporation; still, so far as possible, only for the better attainment of the same end, not for the enriching of the public treasury.

This is what, on the whole, really took place at the Reformation, as far as the rapacity of princes or aristocratic corporations allowed, and only on such and similar appropriations of ecclesiastical revenue has the blessing of God rested. Naturally such a course could not be strictly adhered to where, as happened shortly before the dissolution of the German empire, regulations were made affecting provinces and States which had belonged to ecclesiastical rulers. In modern times, England, and recently also Sardinia, are those States which have treated this question most honestly and generously. In the retrenchment of the capitular bodies in England, and the reduction of the incomes of those retained, every penny has been devoted to the augmentation of parochial stipends, the miserable condition of which formed a disgraceful contrast to the princely revenues of certain dignitaries. So, likewise, Sardinia, in abolishing those monasteries and convents which did not devote themselves to education or works of mercy, has most solemnly established the principle, that the money thus saved shall be expended for the benefit of the clergy, for whom no adequate provision had been made. With regard to the whole proceedings of the Sardinian Government, I refer you to the exhaustive article on this subject in the *Quarterly Review* for July, which is attributed, no doubt with justice, to Mr. Gladstone.

The main question, however, to be settled in coming

to terms with the canon law, is the attitude which the State ought to assume toward the pretension of the Ultramontane party—that the One Universal Church is the depositary of all ecclesiastical revenues. For, as we have seen above, this is, in other words, to recognize the Bishops and the Pope as the possessors of all national church property. Ecclesiastical history proves that that pretension has been turned to advantage more than once, especially on the part of the Pope. Now we maintain that the Congregation is the universal ultimate, as well as immediate, depositary of church property. Our mode of settling the matters in dispute would be determined more precisely according to the peculiar nature of the property itself.

As regards *Local Funds*, neither the State nor the Church, in the wide sense of these words, can be said to be the depositary thereof, but the local Congregation; therefore, neither the Pope nor the Bishop, nor yet the parish priest by himself, but the elders of the Church recognized under various forms by the Catholic Church (churchwardens), with the minister of the parish, for the time being, at their head.

I believe, with Wessenbrg, these associations of elders must be put upon a better footing, else that it would be necessary to return to a Catholic Committee of the Congregation, which, according to the law of Prussia, is only the heir of the civil community, but according to that of France, is the actual possessor, except in the case of particular foundations and corporations.

The next question arises where *the Revenues are derived from a Grant of the State*. According to our principles, we shall here have to distinguish whether this grant is a free gift, or by common acknowledgment a compensation for estates or dues that have been lost. In

the second case the Congregation evidently enters into possession of its own rights; but the former may lay the foundation for a relation of superintendence and patronage on the part of the State. The fiscal principle in its absolute form is as inadmissible and works as badly as the hierarchical.

Finally, as regards the third portion of Church property, the *Property or Revenues of the Bishops, their Chapters and Seminaries*, it is manifest that the forms of actual possession and enjoyment, or of a full mortgage security on landed property, are not reconcilable with the present state of political economy. For this reason, too, the proposal which has been made in the Prussian Concordat to grant a mortgage security on forests (which, moreover, are charged with the yet unredeemed state-debt), will probably never be carried into literal execution. But the form of a security on the aggregate property of the State—a plan proposed by Napoleon, and accepted by the Pope on the part of the Church—that is to say, the entry of a perpetual annuity in the public accounts, is one which is for all purposes satisfactory, at least for States which have a well-ordered financial system, as Prussia always has had, and always will have.

In regard to the possession of landed property, all modern systems of public law agree in not allowing the validity of testamentary dispositions in mortmain. Even money legacies in favor of the Church are made dependent on the observance of certain conditions.

On this point, again, the spirit and usages of constitutional monarchy have proved a truer guide than Napoleonic Caesarism or the absolutism of the eighteenth century. The right of confirming such bequests is, particularly with Protestant Governments, a dead letter. Here, too, Peel struck out the right path, when, care-

fully avoiding every thing savoring of arbitrariness, he restricted himself to laying down the principle that every such bequest is valid, if made six months or more before death, the deed being, of course, drawn up by a notary, and signed in the presence of witnesses. No one can complain of this with any show of reason, and thus the object is attained.

Thus, my respected friend, I think that in proceeding from our starting-point we have reached a solution which violates no ecclesiastical or religious feeling, disturbs no usage, raises no points of contest, presents no practical dangers, but, on the contrary, appears to open the way to a result as safe and pregnant with blessing as it is inevitable. It is true that in pursuing our course we have found that with regard to these questions, as well as that of toleration, Germany does not in all respects stand at the head of European culture and civilization, but has sometimes lagged behind within the last forty years. For even from 1550 onward, and to a still greater extent since 1650, a stagnation, if not a corruption, partly caused by the pettiness of the political relations in such a congeries of small States, but most of all by the narrow-mindedness of the Lutheran theologians who have ruled the Church, has crept in, accompanied by a self-conceit which appears ridiculous or lamentable, when it brings its pretensions to the broad daylight of publicity. But, on the other hand, in the Reformed Church of Germany, which takes a very different historical attitude, and in the reforming zeal of enlightened Governments we have everywhere found still fertile germs of life, which, with the inexhaustible mental power, and the indestructible religious sentiment that pervades the German people, present the fairest pledges for our future.

Finally, in what specially concerns us as Prussians, much as we may have to find fault with or mourn the want of, many as may be the fears and anxieties openly expressed or secretly cherished, we can look with thankfulness to the past, the present, and the future.

The Magna Charta of our laws touching religious and ecclesiastical relations, as contained in Articles XII.—XIX. of the Constitution,* is perfectly satisfactory; and its meaning is placed beyond the possibility of doubt by the official documents which accompany it, and the deliberations in which it originated. Our best guaranty that this Palladium will not be shaken or wrested aside from its true meaning, is the loyal respect for law of our King, and the sentiments of the heirs to the throne, as well as of the nation at large. Neither should it be forgotten how many safeguards and institutions Prussia possessed before the 18th of March, 1848. This groundwork of law certainly needs, however, to be fortified by a corresponding practical realization. According to what principles this might be done as respects the Evangelical Church, in order to conduct it onward from the present regal dictatorship to constitutional independence, and how, on the other side, the collisions with the Romish hierarchy not yet wholly guarded against are to be prevented, we have endeavored to discover by a method which can hardly be misrepresented as a false one, ever keeping in view our ultimate aim—a peaceable and legal adjustment of all differences.

The theological conflict between various religious confessions may be safely left to the influence of learning, faith, and outward events. The alienation between those of different creeds ceases when they no longer come into

* Our appendix to this letter will place these articles before the eyes of those who may not know, or may not recollect them.

painful collision, and, under good management, without issuing in skeptical indifference. The attachment to the State will become universal on the ground of equal rights, and as a result of the peaceful co-operation of all for noble objects. Increasing prosperity, science, and art, exert a humanizing influence upon manners also in this field, while at the same time deepening the sentiment of nationality; and each confession feels itself honored in the respect which it pays to the conscience of others. Such a State, is truly a Christian State, for it is founded upon Christian love, and upon reverence for the Divine justice.

He who should set himself against such a reconciliation would thereby betray that he did not thoroughly believe his creed to be the true one; for truth has nothing to lose or to fear from freedom. Man is no godless animal, as the Prince de Broglie appears to assume in his critique on *Dupin's Canon Law*, when he gives vent to the apprehension that religious congregations may all at once be turned into revolutionary clubs. The State has the right of recognition, and consequently of prohibition, in the case of fraudulent and immortal sects, such as that of the Mormons; revolutionary Christian factions there have never yet been; and the mask of the hypocrites falls off as soon as political liberty exists. We need point only to Ronge and Doviât! And when, in the "Free Church" in Magdeburg, Uhlich's colleague, Krause, urged that this Church should not even call itself "Christian," because this term implied a limitation oppressive to the free Congregation and unworthy of the position they took up, he thereby simply acknowledged the justice of the ordinance which refuses to recognize such associations as religious, but subjects them to inspection as political.

Only let the liberty be universal without exception : no toleration, no old-fashioned "parity" in the State, where only two confessions are authorized, the Catholic and the Protestant, and the latter sometimes only in the double aspect it has been compelled to assume. That in Bavaria the Government will only allow the Protestants to be called a religious association, and not a Church, is certainly the result of no friendly spirit, but we may as well resign this appellation to the Roman Catholic denomination as that of "the Catholics."

It will certainly be necessary on all sides to overcome much egotism, not only in its worst forms of prejudice and hatred, but also in the little-mindedness and separatism peculiar to the Germans of the last two centuries. One can not endure the Baptists because they make converts; another the Jews, because they practice usury, like many Christians, or because some of their forefathers crucified Jesus, and called down a curse on themselves and on their children, which clearly must be realized by Christian oppression of their descendants. All such arguments are nothing but a cloak for egotism, or a deficiency in humanizing culture.

I live in the firm conviction that throughout our common German fatherland the overwhelming majority both of Catholics and Protestants are quite of one mind as to the principle of freedom of conscience; and that with open and dispassionate discussion their pet exceptions to this principle would vanish like mist before the sun. But evidently it is pre-eminently the vocation of Protestant Governments, statesmen, and public instructors—therefore, also, of the leading men of the free German literature—to protect and cherish this principle. They

themselves stand and fall with the Congregation and with liberty. It is not a question of bringing the Congregation into existence—it is there, indigenous and vigorous, not merely capable of life; nay, since 1848—as, indeed, from 1840 up to that date—a wonderful impulse of life has filled it with aspiration and fresh thought. A tendency toward outward embodiment and organized activity is astir in our German churches, which bears in itself the evident impress of the Divine hand; for it manifests itself as that ministering love which is the parent of all works of mercy. It lives and breathes as an affectionate recognition of the beauty, the truth, and the goodness that have existed in past ages, not only within the limits of their own respective homes, but of the whole of their beloved German fatherland, nay, of all humanity. This sentiment shows itself self-sacrificing, not demanding sacrifice; but it does demand freedom for its highest impulse, respect for its most sacred possession. It will not endure the fetters of police-regulation; it despises the crutches of official tutelage and the protection of the penal laws which have crippled it, no less than a so-called patriarchal superintendence of the Crown. Not to repress this aspiration in the Christian community, but to aid it by support, enlightenment, exhortation—this is the special vocation of Protestantism. All the aids that Protestantism would borrow from constraint, force, repression, intolerance, are so many weapons which it puts into the hand of the hierarchy for the persecution of the evangelical belief. He who can not fulfill this vocation in faith is not called to put his hand to the work of salvation.

This Protestant consciousness has been never more deeply felt than within the last few years and days. What astonishment, what sorrow, then, must seize the

friend of the Gospel, of his country, of freedom, of humanity, when he sees no insignificant number, especially of the younger Lutheran pastors and preachers, in co-operation with political parties, and in more or less open alliance with absolutism and feudalism (or at least playing into the hands of the absolutists and Jesuits), striking out for themselves a precisely opposite course! Do they really think to benefit Protestantism by coercion, or dream of restoring faith by the spirit-killing formulas of the seventeenth century, while crying down all aspiration toward tolerance and freedom as revolutionary and anarchical? I forbear to mention insignificant attempts of this kind, or childish, stupid, senseless attacks, such as those we have witnessed in Mecklenburg, Hesse, and Lippe. I pass over impotent conferences or unions of pastors, such as that held recently in Leipsic under Kahne's leadership, where furious speeches were made against schismatics and sectaries on the part of the self-styled Old Lutherans.

Their retrograde efforts are not backed by Congregation or people—by intellectual, or, hitherto, by civil or princely power. The phenomenon is simply instructive. But it is with pain that I see in the ranks of this party a man from whom I and others had hoped better things in his youth, but who has now become the acknowledged organ of the powerful retrograde party in politics and religion. It is a just subject of unmitigated regret, when such a man becomes the advocate of intolerance and illiberality in the greatest Protestant State of the Continent—the only considerable Protestant State of Germany; and that in the name of tolerance—in the name of Luther and of Christ!

I allude, my respected friend, to the oration of Stahl already mentioned, which he pronounced on the 29th of

last March, in the Evangelical Association of Berlin, before the Court and a large and influential assembly, not without immediate evidence of its effect. This discourse, which bears the title of "Christian Tolerance," but which, in reality, appears more like a discourse in favor of confessional intolerance, has been printed by its eloquent author with notes, for the general reading world, after it had appeared with the same additions in the religious organ of the party, the *Evangelische Kirchenzeitung*, and been printed in their political organ, the *Kreuzzeitung*.

With the examination of this discourse for the object we have in view, I propose to conclude our correspondence for the present.

LETTER IX.

OBSERVATIONS ON STAHL'S DOCTRINE OF TOLERANCE,
AS REGARDED FROM AN HISTORICAL AND JURI-
DICAL POINT OF VIEW.

CHARLOTTENBERG, 24th August, 1855.

The Day of St. Bartholomew.

THIS is a solemn day, MY DEAR AND HONORED FRIEND, on which we are called to consider Stahl's doctrine of tolerance. It is the anniversary of the Massacre of St. Bartholomew—the infernal festival of religious persecution—the orgies of the devils! For whatever share in the events of that day may be ascribed to the hatred of political parties, it can not be denied that these parties themselves took their source in religious heirarchical fanaticism, and that this was the sole lever by which they acted on the populace. It was religious hatred which, as Ranke has recently shown, gave that demoniacal fury, Catherine de Medicis, the means of attaining her factious aims. It was religious hatred which enabled the king whom she swayed, to find willing executioners in the brutal mobs of Paris, Lyons, and other towns, stirred up by the priests. In Admiral Coligni, and many of his clerical and secular fellow-sufferers, France lost the highest ornaments and noblest blood of the land, and, at the same time, the strongest moral primitive-force for the wider development of her mental and polit-

ical freedom. In them, Christendom forfeited a large portion of her brightest jewels, and the Christian name was branded for everlasting ages, till a full atonement should be made.

The Massacre of St. Bartholomew and the Inquisition are the final expression of that intolerance whose cause Stahl appears to us to espouse, and whose refutation, as delivered in the Constituent Assembly of France in 1789, when perfect liberty of conscience was decreed as one of the rights of man, seems to inspire our orator with boundless contempt. Nay, he inveighs against philosophical toleration at the very moment when the powers of darkness are once more rousing themselves and leaguings together against their own brethren in belief. For Dr. Stahl begins by telling us that

“Toleration is the child of unbelief; the demand of freedom of conscience as a right, in legally governed States and constitutional nations, is a part of that work of destruction and revolution which characterizes modern science, and which menaces the tranquillity of Europe.”

From the time of its introduction into German jurisprudence, up to the present day, the word *Toleration* has rather had a mournful than a joyful sound; for in its juridical sense it merely signifies that the Church authorized by the State, suffers others besides itself to exist in the land. But, in the general language of literature, the sound common sense of all European nations understand by this term, the not unreasonable demand, that a man shall not be persecuted by the civil magistrate, or by a dominant Church, if he, without violating the general civil regulations, worships God after his own fashion in company with his fellow-believers. In substance, this demand is clearly not much unlike that made eleven hundred years ago by Winfrid, in behalf of

his somewhat aggressive style of preaching, from the heathen Frisians, in the name of the God of the Christians whom they did not know.

Not even so far removed, but differing only in the slightest degree from State protection instead of persecution, was the demand made by Peter Bayle, when toward the end of the seventeenth century he was stirred up by the persecutions in France to write his famous tract *On Religious Toleration*. We may take an utterly different and much graver view of the Old Testament and its history than Bayle did. But when in that book he supports his arguments drawn from reason by passages from the Bible, he does so not only in a very serious spirit, but often, I must confess, with a much better exegesis of the Bible than we find in many theologians and professors of ecclesiastical jurisprudence in both ancient and modern times. Voltaire made the same demand as Bayle, when, in his account of the judicial murder of Calas at Toulouse, he exhibited, with equal courage, eloquence, and love of truth, the dreadful consequences of religious hatred among the populace, and its influence on a usually honorable court of justice. Undoubtedly, Voltaire's scoffs at religion, and defamation of the person of the Divine Founder of Christianity, are as repugnant to German philosophy as to the whole tone of sentiment in our nation. But every candid man ought to respect and honor him for his defense of Calas, which required more courage and manliness than many an unctuous oration in our days.

Much greater earnestness and depth were certainly shown in the treatment of this subject by our great Lessing, when he availed himself of the mediæval story of the *Three Rings*, in order to exhibit, in his "*Nathan the Wise*," the unreasonableness and impiety of religi-

ous intolerance. The slurs which were cast on him and his friends by Pastor Götze, and his like, may have had their share in strengthening his abhorrence of the “*Pfaffengebeisz*” * (to use Luther’s language), to which, as much as to the Pope and Jesuits, we owe the rending asunder of the Protestant Church in Germany, and all the misery of the Thirty Years’ War. Still, to place him among the scoffers at religion and the despisers of Christianity, is for this very reason a crying injustice, and a proof of pitiable one-sidedness. That to Lessing, personally, Christianity was the religion of the world, and the Bible the sacred record of the divine plan for the development of humanity, he has declared clearly enough in his immortal tract, *The Education of the Human Race*. And now let us turn to our more strictly speculative philosophers. Modern history scarcely presents to us a more blameless and earnest moral character than that of Kant, and no one will deny that his deeply moral tone of thought was transmitted to his successors, Fichte, Schelling, and Hegel. All these, like the two heroes of our popular literature, Goethe and Schiller, have, equally with the members of the First Constituent Assembly, insisted on the principle of religious toleration, on the ground that liberty of conscience is a right; therefore claimed it as a right of humanity in the name of reason, of the Spirit, and of morality—nay, of Christianity itself.

Are they on that account the enemies of Christianity? Is it, then, unchristian, or fraught with danger to the true religion, to demonstrate that Christianity is at one with morals and reason? Certainly Dr. Stahl appears to think so. He says in the opening of his oration: “For after all, the first moving-spring of that tolerance

* Priestly venom.

is nothing else than doubt of divine revelation, and therewith of all sure and binding religious truth." As evidence for this incredible assertion (for it really appears to me such, in the case of so learned, thoughtful, and pious a man), the orator adduces Lessing's Nathan. Nathan, the orthodox son of Abraham, is put on a level with Pilate the pagan Epicurean and man of the world; and then Stahl proceeds:—"Are Nathan the Wise and Pilate right when they ask, 'What is truth?' or is Christ right when he says, 'I am the truth?'" Brilliantly said; but is it equally to the point—above all, substantially true?

We shall really be obliged, my honored friend, to address ourselves to the answering of this question; although it may not appear to you in good taste, when the orator so unnecessarily brings the sacred person of Christ into juxtaposition with a philosopher, whose chain of argument, be it true or false, still cannot be set aside with a mere theological flourish of words. Certainly it is not without danger to say much to this orator concerning German science. The science of the day (and we have no other despite Stahl's books and speeches) is godless, and we shall hardly, I think, be able to raise ourselves to such a height of self-sufficiency or self-annihilation as to say with him that "it is a blessing to a Christian statesman to be cursed by public opinion."*

I must here at once plainly confess that I have hitherto been under the delusion that our nation desired

* This expression was used by Stahl, in his famous speech on the Oriental Question, in 1855, to the effect that Russia was the defender of right and of Christianity, and that England had no right to fight in behalf of an Infidel [Mohammedan] Government.

freedom of conscience for conscience' sake, and in the name of reason and Christianity. This I have always supposed to be what is meant by the simple tradesman and peasant, as by the truly pious and wise among our scholars, Catholics as well as Protestants. But it appears that this is an error. "Science is godless—the desire for toleration is born of unbelief." He who does not share the view of our author on this point must be content to forfeit the name of Christian. Upon the practical consequences of such an anathema, in Prussia at least, the ecclesiastical Privy Counselor does, indeed, afterward to some extent set our fears at rest, as we shall soon hear. Still the anathema of a philosopher and professor who is also a member of the Supreme Ecclesiastical Council, is no trifle. But what is to be done? I take courage and pass on to consider the terms in which he tells us what he thinks of that which all the civilized world calls toleration. This is the passage with which the whole oration commences :

"In that epoch of mental culture which arrogates to itself the title of the era of enlightenment and philosophy, and whose dominant ideas continue to exert a considerable influence, even at the present day, the cardinal virtue—that which takes the lead of all other virtues—is RELIGIOUS TOLERATION. Every man shall live after his own creed, be he Christian, Jew, Mohammedan, Philosopher, but he shall accord the same respect to the faith of his neighbor. So, likewise, the State shall recognize all religions as having equal rights. Nay, even from that enlightened Church which they do us the honor to call the Protestant, this proof of tolerance is demanded, that she shall concede to every opinion, believing or unbelieving alike, an equal right to occupy the pulpit or cathedra. It matters not, either before God or man, what a man's religious creed be, but only whether his conduct be upright. According to this, the worst crime with which a man can be charged is exclusiveness—that is to say, a religious conviction claiming to be the sole true and authorized creed."

And hereupon appeal is made to the God of the Old and New Testaments, that henceforth no one like Bayle, and others beside him, may seek for toleration in the Bible. "Did not God," says Stahl, "command his chosen people under the old dispensation to root out every other religion from the land? Did not the greatest of his prophets cause the priests of Baal to be slain? Nay, finally, does not Christ declare that all who believe not shall be damned, and his apostle pronounce an anathema on him who shall teach any other gospel?"

Thus, whoever shall plead the cause of that toleration which Stahl has described, is no Christian, nay, a positive denier of God, the veriest atheist. Nevertheless, it will scarcely be justifiable by the laws of God to stone us, on account of certain profound theological arguments which he adduces against so natural an inference; but this much our orator knows full well, that unbelief in Divine revelation is our deepest incentive if we agree with Lessing or Bayle; and even this is very frightful. Certainly toleration, as he understands it, is a strange sort of thing. It asks that a man "shall accord to the creed of another the same respect which he demands for his own;" at the same time, also, "that the State shall recognize all religions as having equal rights." Nay, it makes this extraordinary demand upon the Protestant Church—"that it shall accord to every opinion, believing or unbelieving alike, the same right to occupy pulpit or cathedra." Really, had the orator's audience been less calculated to command respect, one would be inclined to believe that he intended in this exordium to make fools of his hearers. What in the name of truth and reason has the modest wish to live as honest men and citizens of a civilized nation in accordance with our own faith, so long as we violate no civil law, to do with

the opinion, which I here encounter for the first time, that a man who does not believe in Christ or God ought to have the same right to preach before our congregations as any believing clergyman! Who has ever demanded this of the Protestant Church in the name of toleration? No one. I confess that in this passage I can hardly recognize our acute and philosophical author. He surely can scarcely intend to place the belief in the Gospel and in the doctrine of salvation through Christ, on a level with the systems of the Lutheran theologians, according to which the Calvinists are treated as worshipers of Isis or Moloch? For we are surely not the only members of the United Church of Prussia who thank God that we are at liberty not to regard this as a part of Christianity. But who knows? We must see.

We are quite willing on our part to confess to him that even though toleration had no ancestors but the French philosophers and the Constituent Assembly—or, at best, a few men such as Washington and Franklin, and certain ideologists and poets whose writings constitute pretty nearly all that Europe calls German philosophy and literature—we should not be ashamed of this pedigree, be the consequences what they might. But we know, besides, that Christ died to set men free, and not to bring them into bondage. We know that his disciples and their missionaries did not convert the intolerant ancient world by means of persecution, but under persecution, and in the faith that the reign of brute force and despotic coercion was destined to be transformed into the reign of God's liberty, as is prophesied in the Revelations. We know, further, that the inspired men, who in the sixteenth century undertook to restore Christianity to its pristine form, demanded this toleration for themselves on the ground of the Word of God—neces-

sarily, therefore, for all, else they themselves would have been no true evangelical Christians, which signifies such as accept the Word of God as their highest standard, and a believing temper of the heart as the only saving faith, and regard the Church as a legally-ordered community who have vowed to live unto God as brethren in Christ, and are subject to all the powers that be (even to a Nero) in civil matters, but subject to God alone in those appertaining to conscience.

And if the Reformers have sometimes forgotten to practice this toleration, we ought, I think, to see in this, partly the natural effect of a thousand years' slavery—partly the working of that despotic egotism, which those in power, be they princes, priests, or people, so rarely escape, and against which, by the testimony of history, nothing can protect nations except a free constitution, and a popular education based on Christian principles. In short, we are not ashamed of the predecessors assigned to us. But we can not but wonder at the assertion from such a man, and in such an oration, that, *as a matter of fact*, the progenitors of the principles of toleration were the French philosophers and the Revolution. It is notorious that this toleration had been demanded and preached long before in the name of Christ by faithful men, and implanted in vast Christian communities. How could this learned man forget that the whole history of religion has revolved round this center ever since the Reformation? Forget that the Netherlands freed themselves from the tyranny of Spain, not on the ground assigned by the Declaration of the Rights of Man of 1789, but on the ground of Gospel faith and the principles of the earliest ecclesiastical reformers concerning the nature of faith and the spirit, concerning the divine dignity of man and the sacredness of the image of God?

They demanded the same toleration in order to worship God according to the Gospel, which the French philosophers demanded in the name of Reason. Are these two things so incompatible that the one must command reverence, the other inspire abhorrence? To me it appears quite otherwise. The modern mode of expressing this principle seems to me perfectly in harmony with the course of nature. When the longing after that freedom of conscience, once alternately struggled for and repressed by sanguinary contests, had entered into the very flesh and blood, no longer of mere isolated thinkers, but of great and noble Christian nations, why should not conscience and reason demand toleration for themselves in the name of Humanity?

But the doctrine of religious toleration was preached first, and with the greatest success, by the men, in many instances the martyrs, of the Evangelical Confession. The series begins toward the end of the sixteenth century, with Robert Browne, the spiritual-minded and courageous advocate of the independence of single churches, and the right of all Christians to the free exercise of their own mode of worship. Why has the orator passed over this venerable father of Independency and toleration? Certainly Stahl has no love for the Independents. In the course of his oration, he tries to demonstrate that their principle "carried out to its ultimate results" would exclude the idea of the Christian community, and leave room only for the isolated soul. This is much as if he were to assume that if the principle of the centrifugal force be "carried out to its ultimate results," the earth must necessarily fly out into space. The true centripetal power, which is the free conscientious faith in the God of the Gospel, seems to have been as little wanting among these congregational-

ists as in any Christian community whatever. This body has maintained itself for the last three hundred years under heavy oppression from State and priesthood, and through severe persecutions—nay, has even founded States; and at the present day already numbers more congregations than all the Lutherans on the face of the earth. Reasons sufficient why we should not despise it. But, assuredly, it still remains its greatest glory that its members were the first to preach the principle of freedom of conscience (I beg their pardon, of toleration), and have violated it far less than the Lutherans or than their own persecutors, the bigoted Presbyterians. But even among the ranks of the latter we can point to enlightened defenders of religious liberty in those ages, and at their head to one of the greatest Christian poets and philosophers—Milton.

This toleration was certainly preached in a still purer form by its apostles and martyrs, the fathers of the Society of Friends—George Fox, who began to preach publicly on this subject in 1650, and his two disciples, Robert Barclay, the author of the *Apology* for his sect, and William Penn, the father and apostle of Pennsylvania. I am quite aware that the name Quaker will sound still worse in the ears of our Supreme Ecclesiastical Counselor than that of the Independents, or even the Baptists, who stir up his righteous indignation. But as I am not writing for him, nor yet for the theologians and politicians of whom he is the spokesman and pride, this circumstance will not prevent me from declaring the historical fact, that the toleration preached by the French philosophers sprang up two centuries before their day from the same Christian soil which produced the civil and constitutional liberty of the nations of modern Europe. In this modern Europe, however,

we are living, and moreover, in the year of grace one thousand eight hundred and fifty-five, and not in the seventeenth century, still less under mediæval papacy. Here are the words of Robert Barclay in his *Apology* :

“Since God hath assumed to himself the power and dominion of the *Conscience*, who alone can rightly instruct and govern it, therefore it is not lawful for any whosoever, by virtue of any authority or principality they bear in the government of this world, to force the *consciences* of others ; and, therefore, all killing, banishing, fining, imprisoning, and other such things which are inflicted upon men for the alone exercise of their *conscience*, or difference in *worship* or *opinion*, proceedeth from the spirit of *Cain*, the murderer, and is contrary to the truth ; providing always, that no man, under the pretense of *conscience*, prejudice his *neighbor* in his life or estate, or do any thing destructive to, or inconsistent with *human society* ; in which case the *law* is for the transgressor, and *justice* is to be administered upon all, without respect of persons.”

Starting from this forcible proposition, Barclay shows that the toleration which the Friends desired is in accordance with Christianity, and the unchristian nature of the proceedings of the magistrates who caused them to be hanged and whipped, by dozens, as malefactors. In particular, he shows how that when Christ told his disciples that he sent them forth to be as lambs among wolves, it could not be considered as the distinctive privilege of Christian magistrates over heathen ones, that they should devour the lambs. Therefore, he continues, Christ reproved the two sons of Zebedee who would have called down fire from heaven to burn those that refused to receive Christ ; therefore he delivered the parable of the tares, whose uprooting the Lord reserved to himself. Now the tares must be either hypocrites or heretics ; but one thing will be pronounced heresy by one Government, another by another ; from which it ap-

pears that heresy can not be included among those evil things which St. Paul meant, when he said that the ruler is the minister of God, a revenger to execute wrath upon him that doeth evil. Nay, Barclay even seems so bold as to believe that this refers to what we should call police or executive justice.

He concludes this remarkable section of his *Apology* by showing that all which he has proved by the clear letter of Scripture, follows with equal certainty from human reason; for that no corporeal suffering which one man can inflict upon another, can avail to change his convictions, especially with regard to spiritual things; but that this can be effected alone by sufficient argument, united with the power of God to touch the heart. And according to these principles, he says the Quakers have acted:

“For so soon as God revealed his *truth* among them, without regard for any opposition whatever, or what they might meet with, they went up and down, as they were moved of the Lord, preaching and propagating the *truth* in market-places, highways, streets, and public temples, though daily beaten, whipped, bruised, haled, and imprisoned therefor. And when there was anywhere a church or assembly gathered, they taught them to keep their meetings openly, and not to shut the door, nor do it by stealth, that all might know it, and those that would might enter; and as hereby all just occasion of fear of plotting against the Government was fully removed, so this their courage and faithfulness in not giving over their meeting together (but more especially the presence and glory of God manifested in the meeting being terrible to the consciences of the persecutors), did so weary out the malice of their adversaries, that oftentimes they were forced to leave their work undone. For when they came to break up a meeting, they were obliged to take every individual out by force, they not being free to give up their liberty by dissolving at their command; and when they were haled out, unless they were kept forth by violence, they presently returned peaceably to their place. Yea, when sometimes the magistrates have pulled down

their meeting-houses, they have met the next day openly upon the rubbish, and so, by innocency, kept their possession and ground, being properly their own, and their right to meet and worship God being not forfeited to any. So that when armed men have come to dissolve them, it was impossible for them to do it, unless they had killed every one; for they stood so close together, that no force could move any one to stir, until violently pulled thence: so that when the malice of their oppressors stirred them to take shovels, and throw the rubbish upon them, there they stood unmoved, being willing, if the Lord should so permit, to have been there buried alive, witnessing for Him. As this patient, but yet courageous way of suffering made the persecutors' work very heavy and wearisome unto them, so the courage and patience of the sufferers, using no resistance, nor bringing any weapons to defend themselves, nor seeking any ways revenge upon such occasions, did secretly smite the hearts of the persecutors, and made their chariot-wheels go on heavily."

Thus spoke Robert Barclay in the year 1675—therefore, after the restoration of the Stuarts, and during the illegal persecution which commenced with that event, and lasted up to the year 1688. And, certainly, thus did not speak the orthodox Lutheran priests of Germany in the seventeenth, nay, even in the sixteenth century, who murdered their own Protestant brethren, kept them for years in prison, nay, caused them to be executed as criminals, and saw in the victims of St. Bartholomew, not martyrs, but only rebels duly chastised. It is just this *odium theologicum* to be freed from which made Melancthon rejoice that his end was come, and which such men as Spener, and the best and noblest men of learning in the early part of the eighteenth century, from Leibnitz to Thomasius, struggled against with all their might. They were as anxious to deliver the German intellect, well-nigh extinguished by the meanness of the relations which environed it, from this curse, as from the crime and madness of the trials for witchcraft.

To have done all in their power to free the minds of their people from these evils, is the undying glory of Frederic the Great and Joseph the Second, with their counselors.

As soon as the national Churches of Protestant Germany had recovered from the tyranny of a theologian rule, those men of the Spirit started up who preached freedom of conscience in the name of Christianity as well as in that of reason. The same cause has been espoused in England by Coleridge, who, in his remarks upon English theologians, speaking of Baxter, the apostolical confessor and sufferer, utters the grand maxim—"The conscience is from God, and so is its freedom;" and in the present day, the representatives of two different schools, Maurice and Archbishop Whateley, have both presented, each after his own fashion, the same unconditional demand for liberty of conscience in their respective essays "On the Kingdom of Christ."

Meanwhile in French Switzerland, one of the most profound, noble-minded, and devout of Christians—Vinet—has lived, struggled, and suffered in the same cause; and in spite of persecution, a rich harvest of blessing has been reaped from the very principles which brought him into prison in 1824. He has a worthy successor in the celebrated author of the History of the Reformation, Merle d'Aubigné. It is a source of pain to me, and no doubt also to you, my dear friend, that in his recent statement as to the effects produced by entire religious liberty, proving it to be the only security against persecution, D'Aubigné should have had occasion to defend himself against the derogatory expressions of some of our common friends and countrymen* whom we both

* See the correspondence between Merle d'Aubigné, Bethmann-Hollweg, and Count Pourtales, in the "Evangelical Christendom," vol. viii., p. 236, vol. ix., pp. 49 and 233-251.—*Tr.*

respect. Of course, in the difference of opinion that has unfortunately arisen between them, I can not but range myself entirely on the side of Merle d'Aubigné, but at the same time do not hesitate to express my confidence that those really enlightened and liberal men, who are also actuated by the best intentions, will, as events develop themselves, come to range themselves, not among our opponents, but on our side and that of all the friends of the most strongly guaranteed religious, and I must add, constitutional freedom, and will, no doubt, be found in the foremost ranks of that party. But with regard to our Supreme Ecclesiastical Counselor, I dare not cherish the hope that he will attach the slightest weight to the names to which I have alluded; for it is not to be denied that among them all there is not one single Lutheran theologian! It is not my fault. The circumstance has struck me also very forcibly. The successors of Luther, the confessionalists and fanatics of the seventeenth and eighteenth centuries, have not been able to maintain their ground on the field of learning; yet to our orator, these very men are the guardians of the sacred mysteries. But if even those pious and devout men find no favor in the eyes of the zealous Ecclesiastical Counselor, because they were no Lutherans, but only Reformed, perhaps we might still appeal to the concurrent fundamental doctrines of our Reformers and to the blood-sealed testimony of our martyrs—I mean we might refer him to the Apostles and to Christ himself. But no, we can not do any thing of the kind, at least if Dr. Stahl be right in his second proposition—"Christianity is the religion of intolerance, and its kernel is exclusiveness." Yes, this is what is really said by our orator. Let us hear his own words:

“Yes, Christianity, as compared with the tolerance of the Roman religion, compared with the tolerance of the Greek philosophy, nay, even compared with Judaism, which left the heathen to their errors, entered on the stage of history as the religion of intolerance. Its kernel is exclusiveness—its mode of operation is aggression against all other religions, a propaganda among all nations. And how could it be otherwise? Certain of its own divine truth, how could it be tolerant toward the error which robs God of his glory, and man of his salvation?”

But perhaps this is merely an innocent assertion, couched in pointed language. Perhaps it is only a strong and novel mode of characterizing the contrast of Christianity to Paganism and Judaism? It is true that we find it said in the following page, that the Christian mode of thought surpasses every other in that which is the basis of all tolerance—love, humility, and reverence for the image of God in man.

“We are next led to ask,” says our orator, “does Christianity extend a tolerance to unbelief and false doctrine which it does not extend to sin and vice? Can it, for instance, be tolerant toward rationalism and pantheism in any other fashion?” Yes, replies the Professor of Canon Law (p. 6), “Christianity does not know two sorts of sin—sins against faith and sins against virtue; but it does know two sorts of imputation—imputation according to nature and imputation according to grace.” What a pity that I have promised not to bring theology into these letters; for here there is evidently something very profound intended. The passage concludes: “Man is not the judge whether a sin against faith has its source in a positive perversion of the will.”

Shall I confess my weakness to you, my respected friend? This scholastic distinction makes me shudder—it reminds me so closely of the language used in the books put forth for our conversion, by that Church which

burnt our fathers with these words in her mouth, and even now shuts up our brothers in prison; that hierarchy which rises up in indignation, and threatens excommunication from the fold of Christ, and the dissolution of civil order, if a Catholic Government think that they may be good Catholics without practicing or permitting such persecutions. What may not be hidden under such scholastic phrases? And I am confirmed in this fear by what follows soon after :

“Christian tolerance has God’s truth for its boundary line; it swerves not from its fidelity and zeal toward that. No tolerance could restrain the prophets of the Old Testament, the messengers of the new covenant, from condemning the rites which were then held sacred by the nations, as idolatrous. No tolerance ought to restrain us from characterizing the philosophy and science which are now the *cultus* of the nations, and whose inmost root is the denial of God’s revelation, and the subversion of his ordinances, as that which they are. No tolerance ought to persuade the Church to allow her pure doctrine to be adulterated from the pulpit or the altar, or move the State to surrender its Christian institutions.”

Here already we have the State brought into play, namely, the Christian State, or that which persecutes in the name of Christ and to the glory of God, which a certain party calls Christian on that very account. This is exactly what it was called in the days of the Inquisition, and is so still in the countries where that is in force. The Church does not thirst for blood—she simply hands over the sinner as a criminal to the State, that the latter as a Christian State may execute her “unbloody” sentences with fire and sword, by virtue of its “Christian institutions.” But how could Stahl, as a member of the Supreme Council of a Protestant Church, employ even the most distant reservation of this kind? I can not answer you upon this point. It is strange, and the

clause which follows seems to me still more questionable; “enough that every man, *in so far as he is personally concerned*, can live after his own creed, without detriment to his human rights and human honor.” Is it really to come to this at last, you ask, that all toleration is to be reduced to the proposition that the individual, so far as he himself is concerned, may think, and (so far as the supervision of the police over press and publishers will permit) even write; only he may not attempt to worship God after his own creed with his fellow-believers, to which, however, every kind of religious conviction impels us? Undoubtedly, my dear friend, this is his meaning. If the “individual” cares nothing for books, but if, in obedience to his conscience and the dictate of the Bible, he does care to worship in common with his fellow-believers, if only in the most private and secluded manner, then? Yes, then he must (in a Christian State, for in Turkey he need not) in the first place apply for permission to the Government, and the Government, if it be (like that in Tuscany) truly Christian, will certainly take care not to give such a permission, if they can possibly help it! Stahl himself gives us some instances of the application of his principle, and so we read, among other statements, the following:

“Christian toleration will not silence those teachers who ‘drive out devils in the name’ of Christ, that is to say, make war upon unbelief and sin, even when they walk not ‘with us,’ as the disciple says—*that is, with the Church*. Whether it be teachers in the sects, or teachers in the Church, who, in the general darkness, have preserved, or once more rekindled, a ray of Gospel light, in the name of Christ they will work a blessing; for we have his answer concerning them, ‘Forbid them not, for he who is not against us is for us.’ But when *such teachers* turn aside from their war against unbelief and sin to *make war upon the Church itself*, and *can not tolerate* that the full sun of the Gospel should

shine in the Church, whereas they have borrowed and reflected only one of its rays, then we must apply to them the converse saying of our Lord, 'He who is not with us is against us, and 'he who gathereth not with us, scattereth.'" (p. 9.)

We will not cavil at its being said, that to such as do not walk *with the Church*—the Papal Church, or the Lutheran Church in a Christian State—the expression applies that they do not walk with the Apostles. The unsuspecting man has surely never thought of such inferences on the part of other Churches. But what if it is precisely to the Apostles, *i. e.*, to the Scripture, that these men appeal, as did our fathers at the Reformation? Certainly such is the case in our own day with those, for instance, who believe and teach that the Apostles did not baptize infants, but persons whom they had previously instructed in God's Word. Now we, on the other hand, can with a good conscience have our children baptized—nay, defend infant baptism, when considered in the light of a solemn thanksgiving-vow on the part of the parents, and a sacred birthday gift to the baptized infant—and yet not admit, as the Christian character of the State is said to require, that the Baptists can be thrown into prison and fined, without a violation of our Constitution. But probably we do not happen to be true believers. In Prussia, such proceedings on the part of the magistracy, stirred up by the consistories and preachers, have been solemnly forbidden by a royal decree, and therefore, we hope, prevented for the future; but we know that other German governments are carrying out such principles to their logical consequences.

If, then, these unnamed persons, be they Baptists, or members of the New German Churches who wish to found their communities on the Scriptures and the Apostles' Creed, or those poor souls who read the Bible in

their own houses, and are content with that—"if they" (says the Ecclesiastical Counselor) "*will not tolerate* that the full sum of the Gospel should shine in the Church, because they have borrowed and reflected only one of his rays, then we must apply to them the converse saying of our Lord, 'He who is not with us is against us.'" *Will not tolerate*—they who only ask for toleration! It is the old fable of the wolf and the lamb over again. And then it appears we must proceed with the Christ and the Apostles of our orator, to cry "Anathema!"

Now what are the duties of a Christian State in such cases, appears to us to be set forth in the most plain and thoroughly Christian manner by Article XII. of our Constitution; at any rate, I thought I might expect to find nothing contradicting this in the oration of a member of the Supreme Ecclesiastical Council, and the Crown-Syndic of the Upper House. For else how could he, with his scrupulous theological conscience, retain his office and dignities? But let us first listen to the text of that Article, which every Prussian ought to know by heart—at all events, every one who has taken an oath to observe it—and then to the orator who seems to have forgotten it.

The Charter of the Constitution of the 31st January, 1850, Article XII., reads as follows :

"Liberty of religious confession, and of union in religious societies, or of social worship, domestic and public, is guaranteed. The enjoyment of civil and political rights is independent of religious creed. No damage shall accrue to the civil and political rights of any individual from the exercise of religious liberty."

Now let us listen to our orator. After showing how, "in fidelity toward divine truth, the individual ought to

watch over the religious condition of his neighbor," he continues :

"The same demand which Christian tolerance thus makes upon the individual Christian, it extends also to the State—that is, with regard to the conduct of Christian Governors. To them also is issued the command to be, above all, faithful to Christian truth, to maintain its authority in the public arrangements of society, in the laws relating to marriage, to national education, to manners, to personal purity, to the defense and support of the Church, to the appointment of truly Christian men to offices of authority. But no less is the State commanded to exercise tolerance toward the religious condition of the individual; hence the guaranties given for personal religious liberty, and the enjoyment of civil (private) rights by every religious confession. * * * But certainly the liberty of religious association is something quite distinct from personal religious liberty. This at once oversteps the bounds of inward personal development, and enters on the territory of public social arrangements. This, however, is the task and the responsibility that devolve upon the Government; here it has to take into account, at once, public offense and public seduction; hence, in each given case, it has to hit upon the fitting adjustment, according to the character of the religion in question, and according to the circumstances of the country; and an unconditional and unlimited liberty of religious association is by no means demanded by Christian toleration. But however the rulers may have the right of circumscribing or prohibiting religious association, they have no right to make that, any more than personal apostacy (and for the same reasons), the object of criminal punishment, nor yet treat it as a crime against the true faith."

We gathered as much from those ominous words which Stahl pronounced as President of the *Kirchentag** held at Berlin, in the sitting of 21st September,

* The *Kirchentag*, or Church Diet, is a voluntary assembly of Protestants from all parts of Germany, which meets at different places every year. The first session was held in 1848. Its object is to bring about, as far as may be, a united action of the Protestant Churches, and it does not consist of delegates from

1853, concerning the means of coercion at the disposal of the Christian State, which formed a strong contrast to the tolerant spirit displayed by all the other speakers. I hope you will read the extract from the proceedings which I have given in my Appendix to this letter.* Here, however, our orator expresses himself without reserve.

The above extract is followed by a vindication, conceived in a somewhat Judaico-scholastic spirit, of his truly Christian tolerance, from the reproach that it contravenes the Jewish law. I hear you say, my honored friend, can not we be content to admit this? No, we really can not. "It is true," says Stahl, in substance, "that idolaters were stoned according to the law (Numbers xvii. 5); but the policy of the Old Covenant was not a prototype of the Christian State, but of the future Kingdom of God." But, as we can not suppose that there will be any stoning in the kingdom of God, this typical character is not particularly clear. Hence the orator adds, by way of explanation: "For in the Christian State, the reign of Grace is not clearly manifest, as the reign of the Law was in the Jewish State." The uninitiated might be inclined to exclaim here—"What a happiness for us, since we have to live in the Christian State of realities, that the reign of Grace has not yet become clearly manifest. For who knows then which of us might not have to expect some sort of aggravated stoning, if there is really any thing in this analogy?"

congregations or churches, but of voluntary members, clergymen and laymen, without any official character whatever. The only weight, therefore, attaching to the resolutions passed in it, is that they represent, to some extent, the public opinion of the German Protestant Churches.—*Tr.*

* See Appendix to Letter ix.

But we will first try if we can come to understand our author better, as he is so renowned a dialectician. If the Jewish law, commanding the stoning of idolaters, has its counterpart in the future Kingdom of God, we must ask, in the first place, whether we are to understand by this term, the thousand years' reign in which men are to be living on this earth, or a kingdom in the next world where, according to the words of our Lord, "they neither marry nor are given in marriage." Now, as I am quite unable to connect any intelligible idea with the assertion, that the civil legislation of the Jews was a type of such a divine life in the Spirit, and our instructor gives us no help in the matter, I must, since we have to employ human logic, assume the first. Of course, if the orator was referring to the second, he is at liberty to tell us so; in which case he had better have done it at first.

Now, in the millennium, what can we conceive of as the antitype of the stoning of idolaters? To escape needless difficulties, we are ready to assume that in the millennium God should not reign in person; for, if this were the case, what would be signified by the punishment of idolaters? Merely that the unhappy men should be crushed by the rock of God's Word, *i. e.*, converted through the spiritual agencies of conviction and the all-conquering, because divine, energy of love? If so, we quite agree with the Professor of Canon and Civil Law that this were a method worthy of the Kingdom of God. In common with many millions of Christians of our own day, and with the most venerable, wise, and pious Christians of former ages, we wish, and beg, and pray, that this method may, without further delay, be employed in the cause of religion by the Christian State, in the stead of all police penalties and coercive

measures. If we did not believe already, according to Christ's words, that the Kingdom of God had begun with the announcement of salvation and the founding of Christian communities, we should find a new proof of it in such a fulfillment of the orator's type. We can hardly help asking how is it that he can not see the forest for the trees? However, his words may have a deeper sense. Perhaps the stoning is an emblem of the Kingdom of God, in that all idolatry is really annihilated in the latter, while in the Jewish State, on the contrary, even so far as the law came into operation, nothing but the act expressing the ungodly temper of mind? But then, what becomes of the pretty play of the contrast? The stoning of the idolaters, according to the law of Moses, does not justify the Christian State in attaching a still severer penalty to apostasy from the faith, but is a type of the blessed condition of things in the Kingdom of God, where there are no idolaters at all. This says either nothing, or expresses in pompous language a truth neither new nor contested.

Meanwhile, I return to our oration: it continues thus:

“Moreover, the tolerance to be exercised by a Christian Government, equally with that which is incumbent on individual Christians, does not rest on the recognition of man's right to an arbitrary choice of his religious belief, but on the duty of forbearance and tenderness toward his particular religious condition, therefore toward his religious conscience even if in error. Therefore where there is not, and can not be, any religious conscience, there the State is under no obligation, merely for the sake of freedom, to accord any license on the field of religion. It is no part of Christian tolerance to permit a decidedly Atheistic or materialistic profession of faith—still less that children should be educated in the same; for no one has a religious conscience impelling him to bear witness for Atheism, and consecrate his children to it; toward a non-existent God no obligation of conscience

can be supposed. It is, at least, no unconditional duty of Christian tolerance to give a general permission to Deistical religious associations, *i. e.*, to such as deny a positive revelation. Toward the God whose existence we merely infer from reason but from whom we confess we have received no communication nor command with regard to the matter of his adoration, we can have no dictate of conscience "impelling us to a common worship of Him in public. *But even with regard to the various confessions and Christian sects of positive believers, the granting of formal legal guaranties for the exercise of their religion, still more their reception as authorized forms of public worship, oversteps the limits of Christian toleration. Such higher privileges rest upon a special recognition of the intrinsic worth of these faiths according to the Christian standard, or of their historical justification, or, lastly, of their providential significance.*"

A Daniel! A Daniel! will many fellow-believers of the eloquent man be ready to exclaim, and probably those of Rome and the members of a certain Society among the first. But I confess, my respected friend, that I can not even cry, A Gamaliel! For this wise Rabbi observed to his brethren in office, the members of the Supreme Ecclesiastical Council of Judea, that it might be as well not to stone the men who preached the new doctrine of the Galilean, as they were just about to do to the glory of God. "For," says he (Acts v. 38, 39), "if this counsel or this work be of men, it will come to naught: but if it be of God, ye can not overthrow it; lest haply ye be found even to fight against God." I do not know whether Gamaliel regarded it as a correct application of his exalted (because reasonable) principle of toleration, that upon hearing his speech the assembled Counselors caused the Apostles to be scourged. But in so far as the proceeding may be conceived as lying within the sphere of the correctional police, Dr. Stahl might prove it as highly as his political adherents in the doctrine of the Christian State do their favorite punishment

of the cane. He insists only on the exclusion of "*criminal* proceedings." So did the Grand Duke of Tuscany two years ago: he only caused the Madiais to be put in confinement; and when Cecchetti was sentenced by a civil tribunal, or more correctly by a police magistrate, to a year in the house of correction, it was purely a civil proceeding.

Let us then leave Daniel and Gamaliel, and try to come to a clear notion as to the essence of Stahl's toleration in a Christian (therefore the Prussian) State. His words merit universal attention; they are spoken *ex cathedra* (only a little too much in the consciousness of that high position where one speaks and all the rest are silent). What excites my alarm and astonishment is that he seems to be either entirely unmindful of the Constitution, or else to regard it as something unchristian, which requires to be amended and decently draped in accordance with the new Judaic-scholastic-pietistic-Lutheran view of the moral government of God. Both cases appear to me hardly reconcilable with wisdom and honesty. If our jurisprudence is to be rendered Christian after the pattern of such theories, we have not only no longer any ground of objection to urge against the persecution of our co-religionists in Italy and Austria which we complain of, but, to speak plainly, as far as it rests with Stahl, neither should we have any legal guaranty left for the continuance of any one of our liberties, political, religious, or mental.

What should we say, my dear friend if one of these days we ourselves should be arrested, not on a criminal, but only on a police warrant, in case (which God forbid) we should be induced by the anti-Gamalielic tolerance of Old Lutheranism in some parts of our country where it prevails, and by the wish to escape from Lutheran

exclusiveness and maledictions, to meet together with some like-minded friends purely for the purpose of religious worship, according to a form more resembling, for instance, that of the Reformed Church. We should, of course, do so, observing all existing regulations, statutes, and Christian institutions; but God has blessed us with children and grandchildren, and these would be taken out of our hands without further ceremony; for it is the duty of Stahl's Christian State to see to it that they are not led astray. Puchta's refutation of this despotic theory has not convinced his great friend; perhaps persecutions will. I do not know what guaranties we could offer. If, indeed, we could get off with historical creeds, I should be ready to sign the Augsburg Confession at once, if I were allowed to do so with reservation of the supreme authority of the Bible, and the doctrine of justification by faith, which overrides all the dogmas of State Churches. But some sort of a "*quatenus*," some restrictive formula, which may blunt the edge of the dogmatic absolutism of Byzantium and Rome, such as that formerly in general use, "In so far as the symbolic books agree with Holy Scripture," we must beg for. All this, however, would avail us nothing where the Lutheran Government was animated by 'a truly living faith'—as in Mecklenburg and other countries which present a truer exemplar of the re-establishment of the Christian State and the priestly office, if not of the Kingdom of God itself. To concede our petition would be, in the eyes of such watchmen of Zion, to abandon divine truth to the "license of the individual," or what the Puseyites decry as "private judgment." This might indeed be admissible in the case of other confessions, but of course not with "ours;" for "we know" that we have the truth. Now if you and I should be

overtaken by some human frailty, and seized with moral indignation on hearing the invectives against factions and sects customary in the Christian preaching of these days applied to ourselves—if, remembering that man is God's image, we should appeal to our common human rights (not "fundamental" rights, else we might all together be declared guilty of high treason), we should at once be placed in the category of Deists and Atheists. The utmost mercy we could beg would be that, on the strength of our Lutheran baptism, we might appeal to this oration, according to which no "criminal prosecution" should be instituted against us. Even this restriction seems to have cost the orator some self-denial. His doctrine of the heavy responsibility resting upon Christian Governments, if they do not maintain Christian discipline, has stood in his path like a Medusa's head. For, at the conclusion of his discourse, he bestows a solemn absolution upon such Governments as may fear for the safety of their souls if they extend the doctrine of toleration so far; and assures them that, for such lenity, they shall not be condemned at the last day. Still, certainly, if these tender consciences should think it after all safer to maintain the faith in all rigor, we shall find ourselves in a dungeon, or, at best, only have to hope for "the enviable privilege of banishment."

See, my dear friend, all this we should have reason to fear,—and who knows how soon, if we look at the history of the sixteenth and seventeenth centuries! And yet if we acted as I had supposed, what should we have done more than the Christians of apostolical times (to whom some of that party appeal so often and so incautiously) did and said in the persecutions under Nero and Decius, when they shed their blood to re-awaken the reverence for man as man, *i. e.*, as the image of

God, in the name of the Son of Man? Unhappily, the love of persecution, or the conviction of its necessity, is also clearly betrayed in the somewhat ambiguous answer which the acute Professor returned to the straightforward questions of the unsuspecting Baptists concerning persecution, at the Berlin *Kirchentag* of 1853. He, indeed, protested against the supposition of the Church's preaching persecution, but he said so much at the same time of the care with which the State ought to watch over the defense of the Church, and again of the impossibility that the Church should despise such a protection, that the English Baptists were compelled to declare in their report that they had not been able to draw any encouragement from his speech, for they could see nothing in it but a covert justification of some impending persecution.

If I look at realities as they lie before us, I know, indeed, that such a persecution is impossible under our present royal family, and was so even before we had a Constitution. I have simply wished to show to what lengths "the discourse would force us to go" (to speak with Socrates in Plato)—whither that system logically applied would conduct us. And I can not forget that Dr. Stahl is not only the greatest orator of the party, but confessedly one of its moderate members. He is, further, a man of learning and intellect, and no one has ever reproached him with barbarism or that innate hatred to mental culture which some evince. Nay, even in the lectures which he delivered before the same Protestant association in 1853, he has said so much that is truly evangelical and Christian (though even then mingled with questionable eulogies of the Catholic episcopacy and apostolical succession), that we may, perhaps, hope better things of him yet.

To me, his system appears as fundamentally fallacious as it is un-Protestant and un-Prussian,—un-scriptural, and I must add, not only unphilosophical, but also repugnant to sound common sense. What is the good of such hair-splitting distinctions between “tolerance,” and “Christian tolerance;” between “liberty” and “guaranties of liberty;” nay, between “personal freedom of conscience” and “freedom of religious association”? That is no more than is offered by the Spanish ministers and the Portuguese Constitution. And this to us Prussians! And our apprehensions are enhanced when we proceed to examine the doctrine of our orator with regard to the Church and to free inquiry, and his view of the Union, which is closely connected with these questions in his mind. These topics shall conclude our discussion, and form the subject of my next letter. Meanwhile, farewell!

LETTER X.

OBJECTIONS TO STAHL'S DOCTRINE OF THE CHURCH
AND THE UNION, IN ITS BEARING ON LAW, ON
RELIGIOUS LIBERTY, AND ON FREE INQUIRY.

CONCLUSION OF THE GENERAL SURVEY OF THE SIGNS
OF THE TIMES.

CHARLOTTENBERG, 28th August, 1855.

The 106th Anniversary of Goethe's birth.

MY DEAR FRIEND,

The day on which we commenced our correspondence was fixed for us: we found the summons to a solemn celebration of the festival of St. Boniface lying before us, and we could not refuse to obey it. And thus the course of our discussion has led us on further and further, till we arrive at its conclusion on the birth-day of Goethe, who saw the light one hundred and six years ago this day. A martyr's day this too! For the entrance into life is the entrance into sorrow, and most surely so for all who come forward in the character of "confessors," as those old heroes of Christianity were so beautifully called. And Goethe too was surely a confessor, nay, more—a prophet and an apostle, equally of Germany and of humanity. Yes, we will say so boldly, in defiance of the malicious taunts, not to say calumnies, of Hengstenberg's *Kirchen-zeitung*, and other "Christian" friends of the orator with whom we have to do. Still I secretly flatter myself that a man of genius like

Stahl, and one so thoroughly imbued with the German tone of thought and language, will not, in spite of his associations and his scholasticism, remember this our hero without reverence and affection; but that if our words should meet his eye, he will also rejoice on this day, and at last join in the motto which I propose to borrow from Goethe's sayings for the heading of our present discussion. The passage which I am about to offer to your notice, teaches us that the eye of reason contemplates the history of revelation from Adam to Christ as a mirror of the universe; by which it is evident that Goethe not only intends to express the divine reasonableness of this revelation, but sets a Christian belief before reason as her highest problem.

Toward the end of the year 1816, the composer Zelter announced to Goethe that the idea had struck him of consecrating the approaching tricentenary of the Reformation with a solemn oratorio, and begged for his master's opinion and counsel on the subject. Goethe praised him for having conceived a purpose so noble and so appropriate to the occasion, and sketched out for him a brief plan for an oratorio, in the style of Handel's "Messiah,"—"Christ in the World's History." When we survey this grand and truly inspired scheme, it is easily explained why it was never carried out by the man at whose request it had been written, for it far transcended his powers. But if death had not snatched away from us so early the youthful genius whom we have both known from his cradle, and whom I glory in having loved from the first, and greeted with all the reverence due to genius—if Felix Mendelssohn had not died just when, presaging the approach of the storms about to burst over our country, he was intending to withdraw for some years into solitude at Rome, and there work out

his "Christ" according to the idea in his mind—then Goethe's idea would have been realized in a manner worthy not only of him, but of its great object. Still Goethe's conception stands before us for all time as a great Christian thought. He introduces it in these terms :

"Since the leading idea of Luther's system rests upon a truly noble basis, it offers a fine occasion both for poetical and musical treatment. This basis consists in the definitive contrast between *Law* and *Gospel*, and in the reconciliation of these extremes. Now, if, in order to rise to a higher point of view, we substitute for these two expressions the words *Necessity* and *Freedom*, with their synonyms, with their divergent and approximating meanings, you will see clearly that in this circle every thing is included which can be interesting to man.

"And thus Luther perceives in the Old and New Testament the symbols of the great perpetually self-repeating Soul of the Universe. There we see the law which strives after love, here the love which strives back again after law and fulfills it; not, however, of its own might and power, but through faith in the Messiah, whom all things foreshadow, and who works in all.

"These few words may be sufficient to convince us that Lutheranism can never be reconciled with Papacy, but does not militate against pure reason, when the latter is willing to regard the Bible as the mirror of the universe, which, indeed, she ought to find no difficult task."

You will remark, my dear friend, that our immortal poet has here, whether intentionally or not, so to speak, given an authentic exposition of the well-known distich, written at an earlier period of his life, in which it is said, that formerly Lutheranism had hindered the tranquil development of civilization.* That is to say, in the passage we have just quoted, he uses the term Lutheranism

* Die Vier Jahreszeiten, § 68.

"Franzthum drängt in diesen verworrenen Tagen, wie ehemals Lutherthum es gethan, ruhige Bildung zurück."—*Tr.*

in reference to Luther personally, and to the great historical idea which prompted his act; in the angry distich, he means what we now call Lutheranism—he means that un-historical and un-philosophical, as equally un-theological and un-evangelical network of inferential dogmas in which Luther himself, to his own and Melancthon's grief, became entangled, during the latter half of his life, and which afterward the Lutheran schoolmen elaborated and endeavored to impose on the Church as a "Confession of Faith." In this sense, our great seer has, as a great seer ought to do, uttered an incontestable fact, and spoken prophetically of the future. For just as those theologians desired to impose their highly doubtful scholastic inferences on our fathers as articles of faith and grounds of religious division, so do their successors now-a-days press upon our acceptance all the scholasticism of the theological confessions as "revealed truth." Hence we will take this motto with us by the way as our watchword—*Honi soit qui mal y pense!*

And now to our work, which is truly no easy task; for we have first to examine the orator's scholastic doctrine of the Church, and then the Ecclesiastical Counselor's views, so nearly connected therewith, of one of the most difficult questions of the present day—the *Union* and the *National Church of Prussia*. We can not venture, however, to descend with him into the plain of real life, till we have attempted to ascend with him to the climax of his whole oration.

The orator is conscious that his doctrine of the Church brings us to the culminating point of his eloquent discourse; for he propounds it in the most solemn and elevated tone: "German Protestantism" (he says, p. 22) "has a higher mission than that which the 'Evangelical

Alliance' of the English aspires to fulfill. *Its vocation is not to unite the sects, but to exhibit the unity of the Church.* And the seal of this Church is a public Confession of Faith, whose delivery constituted an era in the history of the world:" namely, that delivered at Augsburg. Mark, it can only be the original unmodified Confession of 1530, of which he is here speaking; for Melancthon's milder formula was never publicly *delivered*, but only solemnly recognized. Now, if we accept this as our Creed, without making any distinction as to the contents of the several articles (which, as we shall soon see, will not do for Dr. Stahl), we shall be obliged to pronounce a curse on our brethren of the Reformed Church, on account of their doctrine concerning the Lord's Supper. On the sentence we have quoted, follows Stahl's Profession of Faith Concerning the Church. It is an eloquent elaboration of his avowal at the *Kirchentag* of 1853, where, as a good jurist, he indeed accepted the decision of the majority as a matter of expediency, but sought to attain, by the insertion of clauses, what he had been unable to carry in the committee. Notwithstanding its length we give the entire passage:

"We do not seek so to loose men from the Church that each individual may remain, up to maturity, as far as possible free from predisposing influences—as it were a *tabula rasa*—and then, with the Bible in one hand and the list of some twenty Protestant denominations in the other, decide in perfect freedom, as he imagines, to which of these he will belong. On the contrary, we strive to bind men to that Church which we recognize as the true one: we would have them carried in the arms of the Church from childhood up, by baptism, catechetical instruction, confirmation—by the influence and authority of parents and teachers—by all the public rites of religion. Even our investigation of Scripture proceeds upon our belief in the unity of the Church; for the

Protestant principle of free inquiry, which was first proclaimed by the German Reformers, we do not understand and practice otherwise than in allegiance to the reverence due to the belief of centuries, and the testimony of specially enlightened men and ages.

“In this we do not, as is said to our reproach, adopt a semi-Catholic conception, and seek the kingdom of God in the outward institutions of the Church rather than in the salvation of the individual soul. We do not deny that the individual soul is the ultimate end, and the highest standard in religion; but we do deny that the individual soul—that is, the soul in its isolated character—is the seat of divine communications, and the recipient of special acts of grace. This, however, is the conception which is held up in opposition to us, and which is precisely the culminating point of the principle of Independency. According to that system, the individual congregation is independent, sovereign in the kingdom of God, the abode of the Holy Spirit. According to this conception, by logical inference from the principle laid down, the individual soul is independent, sovereign in the kingdom of God, the dwelling of the Holy Spirit; and can hence begin entirely afresh, and from its own resources, to expound the Bible, and to discover therein things which are, at all events, quite new and hitherto unheard-of. Our doctrine is that the communications of divine grace are promised to the soul only in the Church. But the Church is not a mere external institution; it is a kingdom consisting in the influences and operations of inward spiritual forces. It is a reciprocal interworking of the inward personal faith of man with the outward forms and monuments which have been created by faith, and now stream out again, the breath of faith over man; an interfusing of the grace which God has stored up in his ordinances, and that which he operates in the soul; it is the treasury of all divine blessings, and of all human *χαρισματα* and efforts, a transmission of sacred things from generation to generation. Hence it embraces within its scope the understanding of the Word of God, as it has been wrought out by the faith of Christendom, and by the aid of a profoundly believing theological learning, during the chain of successive centuries: and the beautiful forms of worship which have been framed by devout hearts, from the days of the Apostles to our own: the communion of the office of the ministry; the Christian consecration for all the relations of life, for the home, for the State, for art, for science:

the Christian discipline and social arrangement of the nation, and, above all, the sacraments in their proper use and significance. These are ordinances and bonds which God has intertwined throughout Christendom, and which Christendom has in all ages helped to weave. The community of believers *within the circling limit of these ordinances and bonds, not external to it*, is the Church—the mystical body of Christ, the seat of the operations of divine grace, of the Spirit who guideth into all truth. To exalt the Church is not, therefore, to cleave to outward forms, to violate the ties which bind the soul to Christ, but to cherish and strengthen this personal bond. The fruit of the kingdom of God is the salvation of souls; but the soil on which alone this fruit can grow and flourish is the Church. It is not cherishing the plants to tear them out of their native beds, that they may grow independently, by the energy of their vital juices.

Now, by virtue of this its vocation toward the Church, German Protestantism can exercise no such tolerance as would derogate in anywise from her rights. The German Protestant can never recognize the Evangelical sects—he can only recognize the individual members of such sects in their personal relation as brothers in Christ, not so much *because*, as *although*, they belong to a sect. His tolerance consists in the fact that he does not judge the persons of men, not that he considers the existence and founding of sects as innocent in itself (as the Americans do, probably from knowing no better)—for it is written, ‘There shall not be divisions among you.’

“The German Protestant willingly, also, concedes to all sects the free exercise of their religion, but he can not feel any obligation to accede to the demand made upon him to secure them the right of making his own Church the field of their missionary labors. Neither does it by any means follow from the permission for the free exercise of worship, that a legally guaranteed and authorized existence as a Church shall be granted. In our States which still retain an established Church, and whose Christian life has ever been rooted in the Church, an unlimited so-called Freedom of the Gospel is not a principle, nor yet a justifiable demand any more than the universal ‘Freedom of Religion.’ For what, we ask, is to be the distinctive sign of the Gospel? Do not even free Scriptural inquiry, and the doctrine of justification by faith, assume a totally different aspect in the whole religious system of

one sect compared with that of another? And ought their position relatively to the Church to be entirely unaffected thereby? All positive concessions to any given sect are, therefore, properly made conditional on the examination of its doctrines by the authorities; and the States of Protestant Germany have no cause to be otherwise than chary of such concessions."

Here, therefore, we have our orator's doctrine of the Church, and its immediate application to religious liberty, which we wished to hear from his own lips. But we can neither accept the doctrine nor the inference. In one remark, certainly, we entirely concur with him. He says that his doctrine has been unjustly reproached as being a semi-Catholic conception of the ideal of a Church. I do not know who has made such a charge, but, whoever he may be, he is certainly wrong. Stahl's view is not semi-Catholic, but entirely so—or, to leave no ambiguity, thoroughly Popish. If it should ever come to Dr. Stahl's finally casting off the United National Church of Prussia, or being cast out by it, we tell him beforehand, that if he still adheres to his doctrine, he will find less difficulty in making it pass current at Munich than at Erlangen.

Unquestionably he who denies that the individual Christian lives in the Church, and is called to live in and for the community, is no Christian. But no one does say this; least of all the Independents, against whom our orator declaims with so much warmth. Like the ancient Christians, they regard every local congregation which has adopted an organization of its own, as a self-governing Church, not subject to other Churches. But this Congregation or Church is the judge whether one of its own members holds and teaches the right faith. Nay, one section of these congregational denominations—the Baptists—recognize none as members of their Church

but those whom the congregation itself has examined and approved. No one can be further than they from denying the Congregation; and the Congregation is the Church, according to the Bible.

Neither is this the case with the Anti-Trinitarians or Anti-Athanasians, the most noble-minded and enlightened exponent of whose views, Dr. Channing, is now as little a stranger in Germany as in France. Nay, it is not even true with respect to the so-called "Free Churches" and "German Catholics" that have sprung up within the last ten years, except in those instances where they have proved themselves to be purely political associations under another name, and have been treated as such.

On the other side, however, all Protestant Confessions, and the sentiments of all evangelical Christians (which in this relation, also, constitute public opinion, Dr. Stahl's "blessing-bringing curse"), harmonize on this point, that a participation in Christ and in God is conditional upon faith as a personal temper of trust, and that it is the Spirit of God which kindles this faith in the heart, according to Christ's promise, given just before his sufferings and departure from this world. He who denies this is certainly no Protestant Christian; but Dr. Stahl must permit me to say that the statement of his just quoted does in effect deny it. To me, at least, all his phrases about the Church appear to be either ingenious modes of expressing the well-known belief of all Protestant Churches, or, where they depart from this, to involve an essential annulling and denial of the same. What mean the words: "We only deny that the individual soul—that is, the soul in its isolated character—is the seat of divine communications, and the recipient of special acts of grace?" That is to say, he denies

either nothing or every thing. Either he does not deny that saving faith is a personal thing—and, if so, why his attack on the Independents?—or he denies the fundamental Protestant principle of justification, and how does that accord with his office as a member of the Supreme Ecclesiastical Council?

The same may be said of the proposition: "Our doctrine is that the communications of divine grace are only promised to the soul *in the Church*." Here, I ask again, what is the Church? If it be the organized community of Christians, of which the family represents the simplest outward form, such an expression is perfectly allowable; but in that case it simply declares a fact of natural and civil social life which no one has ever disputed. But if in the above extract the term Church is used in the sense of the writers on canon law, as the theologico-hierarchical institution whose teachings are infallible, and which is the object of faith, then the writer is simply a Catholic, in the sense of Rome.

And further on we read:

"The Church is * * * the treasury of all divine blessings, and of all human *χαρισματα* and efforts, *a transmission of sacred things from generation to generation*. Hence it embraces within its scope the understanding of the Word of God * * * and, above all, the Sacraments in their proper use and proper significance."

Certainly our writer considers the communion of believers as the Church, but how?

"The communion of believers, *within the circling limits of these institutions and bonds, not external to it*" (the italics are in the original), "is the Church, is the mystical body of Christ, the seat of the operations of divine grace, of the Spirit who guideth into all truth."

“*Extra ecclesiam nulla salus!*” Outside that historical institution, with its transmission from generation to generation (the *traditio* of the Catholic canonists), there is no salvation. None within the pale of such upstart and mushroom denominations as the Independents, and other still younger offshoots of the Reformed sister-churches! No, only in the historical Church, propagating the mysteries downward through successive ages, and perpetuating the miracle of the altar! So say the Romish Priesthood, and we shall soon hear from our orator with what well-founded consciousness of the possession of “apostolical continuity.” But Dr. Stahl repeats it with still greater energy, unction, and official solemnity, in the following words: “The fruit of the kingdom of God is the salvation of souls; but the soil on which alone this fruit can grow and flourish is the Church.” And now follows that striking similitude of the Christian’s soul wandering around among Churches and sects, to the plants taken from their bed, which we have given above at full length. Considered more narrowly, however, the simile does not seem to me very apt for his purpose; for, in reality, plants often do succeed much better for being transplanted from their native bed, and set to grow by themselves in free air, light, and sufficient space. But who would dispute about words, when he thinks of the sorrows and perils that are being endured, at this moment, by the flock of Christ—of the calamities and dangers that encompass our fatherland?

Poor Rosa Madiai! didst thou find comfort in this idea of the Church? Poor Evangelista Borczynski! was it this thought that gave thee courage to return to the Austrian Empire, whose laws thou hadst not violated? Was it this that supported thee in the dark and filthy dungeon into which thou wast cast, for desiring in

the Holy Passion Week to keep the Supper of the Lord with that body of Christians to which, after ripe and devout consideration, thou hadst joined thyself? Will this thought waft thy soul heavenward, when released at length from misery and wrong, it returns to thy heavenly Father? If, indeed, the cry of thy wrongs should not, ere it be too late, reach the ear of thy Emperor—a German—a Prince loving justice. Poor Francesco Cecchetti! did this thought help thee to endure thy martyr's chain, and exhort thy son to steadfastness, when he stood weeping to see his pious and innocent father in the garb of a felon?

No! in the name of God and of all truth—No, and eternally no! Such barren phrases have never yet comforted any human heart to which the message of salvation by Christ had come, and sprung up as the germ of a divine life!

And this is the moment which the orator chooses complacently to amuse himself with the formulas of a scholastic theology, and to exclaim, after having placed the belief in this theology on a level with saving faith in God and his Word, and the redemption by Christ, "Cursed be he who yields up one jot or one tittle thereof!" Did the First Commandment never rise up before the mind of our orator? The command, "Thou shalt have none other gods but me," condemns, according to the doctrine of Protestantism, those who put the ordinances of men on a level with God's Word; therefore all *Catholicizing, even though Lutheran, sticklers for Creeds!*

FREE SCRIPTURAL INQUIRY AND THE EVANGELICAL UNION.

The inversion of the evangelical conception of the Church involves very weighty consequences for Stahl's view of free Scriptural inquiry, and of the Evangelical Union. These consequences have an immediate bearing on the position of learning and the Church, in Prussia and in Germany at large. And this is the last and most pressing point which claims our consideration. We descend from the giddy heights of scholastic philosophy to which our author had conducted us, into the burning plains of reality—the actual condition and circumstances of our fatherland. For the remainder of our discussion, we have to treat of the Christian polity in which we and our posterity are called to live.

Stahl's doctrine of the Church, forasmuch as it is a negation of Protestantism, is *ipso facto* a negation of the United National Church of Prussia. For if the essence and the unity of the Church consists in the unity of historical creed and scholastic dogma, a union of two Evangelical Churches, having each their own Confessions of Faith, and in which a difference of theological system on certain points is declared, can be, to the upright adherent of such a doctrine, nothing but an act of religious indifferentism. For (as Stahl says) how can we draw a distinction between fundamental and non-fundamental dogmas? Every thing is fundamental in a self-consistent system. It is clear, therefore, that what we Protestant Prussians have hitherto regarded as a union, and called so, is, to say the least, an extremely

dubious thing. We must invoke the positivity of Calvinism—nay, even if possible of Catholicism; but above all, call up afresh the full-blown Lutheranism of the seventeenth century to save the faith; that is to say, to smother the Union of the Evangelical Churches between the rigid forms of ancient and modern scholasticism.

Dr. Stahl has not thought fit to draw this corollary in the oration itself, in which he has altogether kept the question of the Union in the background. His candor, therefore, deserves acknowledgment, when he remedies this omission by some lengthy notes. He appends the first (p. 16–19) to a rather sentimental than philosophical exposition of an idea which, in its wider sense, is thoroughly untrue. According to him, German tolerance (that of the theologians who hunted Spener to death) took its rise from Pietism. Spener prepared the way for it by placing the essence of piety in the inward life, in a Christian walk, and charity—without, therefore, ceasing to be a good Lutheran. Hence he draws the following maxim for the tolerance of German Protestantism, as the summary of its essence. “*The recognition of Christian brotherhood in those who differ from us; while preserving fidelity toward the Church*” (p. 16).

That you may not, my dear friend, remain in any obscurity as to the meaning of this oracular saying, allow me, in the first place, to throw a light on some points from the note to which I have referred. First, under the phrase “*those who differ*” (the heterodox, or dissenters?), the Romish hierarchists are equally understood with that communion which we Lutherans have been wont to call the Reformed Sister Church. Nay, the recognition of the “*providential significance*” of the

Catholic Church, which meets us later on, has evidently flowed much more readily from Stahl's theory than that of "Calvinism." Observe, secondly, that Christian and evangelical toleration is, according to him, that exercised by one theological system toward another; not toleration as exercised by the magistracy, still less that of a State renouncing all persecution (therefore an atheistical State), or that of the Congregation enjoying only the "limited understanding of subjects,"* which is usually denominated the Christian people. The theologians define for the people what is to be called in history, toleration and mental freedom. Alas for history!—alas, indeed, for the peoples! But this, it seems, is the true reading of the order of Providence. Catholic States may not exercise any toleration whatever; the clergy, awakened to a consciousness of the dignity of their office, the "œcumenical episcopate," as shown in Stahl's speech before the *Kirchentag* in 1853, has the kernel of Christianity, exclusiveness, for its watchword. Hence it is that the Lutheran theology, which stands as truth between two divergent systems, has grasped this kernel so much more firmly than the system of the Reformed Church. The latter has, according to the verdict of our prophet, only the mission to "accomplish the sanctification of the congregation;" truly a very evangelical

* This expression, now a common phrase in Germany, was first employed by M. Von Rochow, Minister of the Interior in Prussia from 1840 to 1848; who, in an official reply to the remonstrances and suggestions with regard to the granting of the Constitution, offered in the most loyal and respectful manner by the Burgomaster of one of the principal Prussian cities, said, "The limited understanding of a subject is not capable of forming a judgment on such subjects." (*Der beschränkte Unterthanenverstand ist nicht fähig dergleichen Gegenstände zu urtheilen.*)
—Tr.

mission, seeing that the Gospel knows no Church but the Congregation. Hence, finally, is it to be explained, that our orator's tolerance is extended in equal measure to the Catholic and the Reformed Churches. Now we do not desire merely toleration, but freedom for both; and we have no *odium theologicum* toward either the one or the other. We live in the most perfect peace with our Catholic fellow-citizens, mutually respecting the conscientious belief of our Christian brethren. We have no enemies but the persecuting hierarchists, be they the Pope and his bishops, or exclusive Lutheran pastors and professors, who anathematize toleration as unchristian, and decry religious liberty as revolution or atheism. But, for this very reason, it is the same thing to us what garb this hierarchical spirit assumes; and whether we encounter it in Rome or Oxford, in Berlin or Halle. To say the truth, of all these Popes, the Pope of Rome has always appeared to me the best; and of all hierarchical systems, that of Rome the only logical one.

The orator uses moderate language in speaking of Calixt,* in order to aim the severer side-blow at Schleiermacher. The elder Calixt was no doubt worthy of all honor when, surrounded by the calamities of the Thirty Years' War, he endeavored to bring about a union of the Protestant with the Catholic Church. He was much more in earnest in this matter than Leibnitz, for which very reason his attempt must be regarded as a still more signal failure and thorough mistake, as soon as we perceive that in such a union the *power* of the clergy is a question of more importance to the peoples

* A learned professor, who wrote about 1650, and aimed at bringing about a union between the Catholic and Protestant Churches, by a system of syncretism or fusion.—*Tr.*

and States than their *dogmas*. That in that day Calixt should have treated the differences between the Lutheran and Reformed dogmas as almost equally serious with the great points of contrast which separated Lutherans and Reformed alike from the Romish hierarchy, is rendered intelligible by the history of that terrible epoch. Tholuck has, with meritorious industry, drawn forth to light all the miserable pettiness of the Lutheranism of the seventeenth century; and, from the passages he adduces,* we can see that Hase, the conscientious and spirited Church historian, simply relates a naked historical fact, when he says:

“The theologians of the Reformed Church were always inclined to recognize the Lutherans as brothers, while the latter preferred holding communion with Papists, and affirmed the hope that even Calvinists might be saved, to be an inspiration of the devil.”†

But that in 1855, a member of the Supreme Council of the United National Church of Prussia should seriously propose that such a union or confederation, as if between three equal powers, should be carried out by Lutheranism, as holding the true medium between Catholicism and Calvinism;—that he should see nothing more in Schleiermacher’s representation of the relative position of the two Protestant Confessions than a mutilation of Calixt’s scheme—the syncretism of Calixt without his logical consistency;—that in the peroration of his discourse he should again dwell with much unction on the co-ordinate rank of the three Churches, relatively to the one true Church of the future—this I confess, my honored friend, is more than I had ex-

* See Tholuck’s “Geist der Lutherischen Theologen,” § 115, 169, 211.

† Kirchengeschichte, p. 527, seventh edition, 1854.

pected from one who accepted the post of Supreme Ecclesiastical Counselor so lately as the year 1852. For he could not but know that the Old Lutherans, in so far as they set themselves against the Union, are a sect in Prussia, in the eye of the law, according to which the United Church is the one Evangelical National Church.

But this is the sore point. *The union of the two Confessions is, to Dr. Stahl, only an exception in Prussia;* and there can be no question of toleration in the case; for toleration is possible only between existing religious bodies: the Union abrogates these bodies—annihilates them. Here are his own words:

“The Union occupies a perfectly distinct ground from that of toleration, and in reality there is no point of contact between them. For the Union (I mean by this merely the Confessional Union, which even in the national Church of Prussia only forms the exception) consists herein, that the Lutheran and the Reformed Churches are mutually and voluntarily to give up their distinctive dogmas, and a new doctrinal system, common to both, is to be formed around the Consensus as its nucleus. But in that case it is clear that there can be no longer any question of toleration—that is, of tolerating others who teach differently; for there is only one doctrine, and Lutherans and Reformed can no longer be tolerant toward each other, when they no longer exist at all.” (Note, p. 16.)

In this passage every thing is distorted. It is the very principle of the Union that no congregation is to be deprived of its Confession of Faith. On the contrary, two sets of confessions and symbolical books are laid before it; agreeing in essential points, and yet independent of each other. The essence of the Confessional Union does not consist in the surrender of their distinctive types of doctrine by the Lutheran and Reformed divines, but simply in their recognition that these dis-

tinctions form no ground for separate communion as regards worship and discipline. Certainly, if this fundamental idea be correct, the consummation of the Union will consist in the progressive development of the positive doctrines held in common. And if the Spirit of God see fit to guide the Church into this path, who shall say Him nay? The Pope and Dr. Stahl. For they both regard theological systems as "the revealed truth of the Church"—a truth of which naturally each fraction is fundamental, even to the most recondite and dubious of scholastic inferences. Of course, if we admit this, there is an end of the Union. The King's Address of 1817 expressly makes such a distinction. But what means the following passage?

"Having once recognized the doctrine of the Church to be revealed truth, German Protestantism can not make a distinction between its articles as fundamental and non-fundamental (*i. e.*, not essential to salvation). Dare any man presume to draw a line of demarcation through the territory of Divine revelation, and say that what lives on this side of it has been propounded by God for our reception only, as it were, as a matter of luxury? To the individual soul nothing is fundamental save that last glimmering spark of faith which none but God perceives, and which in no case can be reduced under a formula. *To the Church every thing is fundamental that forms a part of the whole indivisible belief revealed by God. And ANATHEMA SIT! whoever consciously gives up one jot or one tittle thereof!*" (p. 25.)

What he offers to us as a "Union," in place of the "Confessional Union," is a theological compact of the Lutherans with the Catholics and Reformed Churches, on the ground of a recognition of the "particular providential mission of the three great Confessions into which Christendom is now divided, as one indivisible *οικονομια* of the kingdom of God; according to which, even the separation itself, although in the first instance

the work of human error, narrow-mindedness and obstinacy, still, nevertheless, must be regarded also as the result of a special providential mission." Here, we should like to ask, Which then was the erring, narrow-minded, and obstinate party at the Reformation? Surely not the Protestant? Or, afterward, when the schism took place among the Protestants? Surely not the Lutheran? But these are trifles. What becomes of the Union? He who sets up a Union with the Papacy as a counterpart to the union between the Lutherans and the Reformed, ill conceals that he does not or can not cordially concur in the Union as accomplished by Frederic William III. He does not approve it, inasmuch as no reasonable man can now-a-days believe that Rome could propose to, or accept from, the Protestants any thing but an unconditional submission. He can not desire it, if he can for one moment place the union between German Protestants in one category with a union between Protestantism and Roman Catholicism. What an abyss has our Ecclesiastical Counselor opened between his doctrine and the Gospel! Whether he calls his system Lutheranism, or, as would be more correct, crude papistry, we can have nothing to do with it in our United National Church. We will not, however, suffer ourselves to grow angry, but calmly read and weigh what follows—the brilliant peroration of the discourse. Who knows but it may yield us at last some happy solution?

A magnificent conclusion it certainly is, and I most sincerely acknowledge its eloquence. And it appears to offer to our acceptance an invaluable treasure. As becomes a well-arranged discourse, the end is the most exalted part of it—a true and high work of art. On reading it I mentally exclaimed, What a dazzling burst

of eloquence! If all this be true, we have only to decide which most to admire—the mystic sublimity of the seer of the past, the wisdom of the statesman of the present, or the marvelous heights attained by the prophet of the future. The very position now openly assumed by our author filled me with astonishment, and still more so, the unhesitating confidence with which he regards it as that of German Protestantism. “He stands” (as he exclaims from his lofty eminence) “at the portals of the Middle Ages, whence the believing hosts of Christendom issued forth to the opposite ends of the earth, till, at this day, they do not even understand each other’s speech; and here he has set up his pillar, bearing the inscription of unperverted ‘Gospel truth.’”

Here, again, great scruples rose to my mind on occasion of this prophetic survey, embracing in its universal sweep all things behind and before. At the very outset we know not what to make of this strange division of the world, in which there seems to be as little room for the armies of the faith that have taken the field since 1550, as in the compilations of his hymnological friends for hymns composed since 1750.* Yet it appears, as

* This refers to the circumstance that Dr. Philip Wackernagel, the well-known authority in ancient German literature, was called upon by an Assembly of Delegates from the German Protestant Governments, which met at Eisenach, in 1852, to prepare a collection of hymns, 150 in number, which should contain all the classical hymns in the language, and should, if possible, be introduced into the Protestant public worship throughout Germany. Wackernagel, with some pedantry, restricted his selection to hymns composed before 1750, and, moreover, gave their text with such merciless correctness, that many Governments declared that their people would have to sing what they could not understand, and would, besides, have to forget their favorite hymns of

we have seen, that of all the Protestant armies that have gone forth into the world since the division of the two evangelical Confessions in Germany—therefore for the last three hundred years—our new world-dividing Jupiter has no place for those who seem to have gone forth with the highest faith and courage, because utterly without State support, and who certainly have fought the hardest, and carried their arms the furthest. No place for the poor Independents, and Baptists, to say nothing of smaller people like our dear Moravian brethren! These, according to the instructive note (p. 29), which in some measure makes up for the silence of the text, have only proceeded from the “wide-spread radical idea of the Church; their inmost essence is a turning upside-down of the Protestant principle.” That is to say, these good people, from their youth up, have known very little of the great blessing of the Lutherans—a consistorial government; and a Supreme Ecclesiastical Council the poor creatures certainly did not even know by name, to say nothing of their blindness as to “the miracle of the altar.” They knew nothing but their Bibles, and that from this they should have divined the organization of the primitive Church so much better than it is understood by our great doctor of law (which can now-a-days no longer be denied) seems almost to convict them of forbidden arts. But it was just their curse that they laid so much stress on the ancient rights of the Congregation. In issuing from the portals of Babel, they carried with them so little faith in authority that they became a prey to the most destructive radicalism, as every one knows who understands Stahl’s theory of Divine Providence. Now we, who beside the Bible

a later date. Thus, Wackernagel’s *Liederschatz* has remained a dead letter.—*T.*

know nothing but our catechisms, or at best a smattering of history, may have our scruples as to believing all this; still the confidence of our doctor must make some impression even on us. Certainly it strikes the "limited understanding" of a member of the Union as somewhat strange, that the Protestant Prophet of the Supreme Ecclesiastical Council should take his stand at that portal of the Middle Ages where, according to this guide, a new Babylonian confusion of tongues took its rise. Till then, it seems, men had understood each other; till 1517 they had lived in the unity of the one saving theological language; the whole theological world spoke *one* tongue (and how fortunate for her, the Romish!); and, no doubt, all men were as well able to understand each other as they were well off in every other respect in those good old times. I should have thought, a good Protestant, who, if not a Lutheran theologian of that old school to which we have given a little attention above, is at least a member of the Protestant Supreme Ecclesiastical Council of Prussia, would not have taken his stand at the portal of the Middle Ages, but would rather have knocked in humble faith at the door of the Gospel, and taken the Word of God as his guide through the history of the world, so far as it were permitted him to advance on this path. It further gave me some anxiety, in spite of all my admiration, that Dr. Stahl should cling so tightly to his triple division of the Christian world at the very time that he was a member of the highest Council of our United Prussian Church, whose avowed object is to make two of these bodies into one, and not to make one into three. Our author, thought I, may indeed possess the secret of the unity that is to be in the kingdom of God, but that will hardly console us for his rending asunder our United National Church

that now is : least of all, if he do so in virtue of his office as member of the Supreme Ecclesiastical Council.

Free Scriptural inquiry, however, fares little better than the Union upon his view of the Church ; and this is, especially to Germans, a matter of no small moment. In the very first paragraph of the long passage we have quoted, he says :

“Even our investigation of Scripture proceeds upon our belief in the unity of the Church ; for the Protestant principle of free inquiry, which was first proclaimed by the German Reformers, we do not understand and practice otherwise than in allegiance to the reverence due to the belief of centuries, and the testimony of specially enlightened men and ages.”

In the Church, then, free Scriptural inquiry is to be limited by reverence. Nothing is more reasonable, and nothing more undisputed. But reverence for what? Surely, above all, reverence objectively toward the Scriptures as the Word of God, and subjectively toward the inquirer's own conscience. We may, perhaps, designate the two conjoined as reverence for the truth. For faith teaches us to seek for truth in the Scriptures, and this we can not do otherwise than in a truthful spirit ; Divine things are understood by that which is Divine. Hence the testimony of enlightened men and ages will necessarily bespeak our reverence, and “in the faith of centuries” we must earnestly endeavor to discover that which is purely biblical, as that which is permanently true ; even where we encounter mistakes and false exegesis. In this sense modern exegesis has been the first to show true reverence toward past centuries, and to attain to a consciousness of the true unity of the Church. But we must not reverse the process. If in our investigation of Scripture we set before ourselves, not Truth, but the Unity of the Church, as our object—if we feel

ourselves in bondage to the belief of centuries and the testimony of the ancient fathers—we have set out on a wrong path, because we are not seeking truth itself. And if our orator has searched Scripture himself, he, too, knows that “reverence for the faith of centuries” might bring us, along with the Roman Inquisitors and Professor Hengstenberg, to the point of persecuting Galileo, denying the Divine facts and laws of the universe, and for this very reason giving a thoroughly perverted interpretation of the Bible—nay, even bring us into danger of making shipwreck of conscience, that is to say, of silencing God’s voice in our souls, and, as far as in us lies, in the hearts of youth, and in the Church as well. The inquirer into Scripture who seeks any thing but truth, is a hypocrite; and it is a weighty and profound saying of Luther—“Hypocrites are lunatic in their conscience.” Hence it is, indeed, a real comfort to me to believe that the philosopher, notwithstanding the confidence with which he propounds his formula, has never drunk deeply of the original sources in his investigation of Scripture; and I am confirmed in this view by the reverence which, according to him, is to be exercised by and for the sake of the Church, “toward the testimony of particularly enlightened men and ages.” For no one could speak thus who had himself investigated the Bible. The formula of the Puseyites, that the Bible is to be interpreted in accordance with “what has been believed always, everywhere, and by all,” says nothing. But if the orator more especially means reverence toward the Scriptural interpretations of the Fathers of the Protestant faith, with them as he himself acknowledges, the principle of freedom stands above all their expositions. And how will he justify Luther’s revolt against “the faith of centuries?”

I hope that Dr. Stahl still believes in science, and does not wish that our youth should be trained up to hypocrisy; that is to say, I hope he does not wish to sow unbelief right and left? But his rule of Scriptural interpretation for the Church necessarily leads to such a result, and is already turned to advantage for party purposes, unless we refuse credence to notorious facts. How, if in examining and appointing candidates for the ministry, their confessional tendencies are the chief point of inquiry, rather than their abilities and general religious character? How, if confessionalistic professors of Protestant theology, and therefore exegesis, are sought for and appointed? We know the Lutheran names and achievements in this department of learning, from Hengstenberg and his absurd exposition of the Song of Solomon, up to Dietlein and Otto, and the latest zealots for the pure Aramaic accent of Balaam's ass. All this would, however, be recommended to us out of reverence for the faith of centuries.

Such grave doubts as these rose up to my mind, in addition to those I have already expressed, on perusing this admirable work of art. Thus, at length, I was irresistibly led to ask the critical preliminary question: Is our author, then, really in earnest in his whole view of the question, and not merely playing a dangerous game with words? and, above all, can there be any truth in his view? Now that we may consider this in all seriousness and candor, and in one mode or other come to learn what we so much need to know, I will begin by laying before you this concluding portion of Stahl's discourse, just as it stands, omitting merely some erudition touching the eternal order of God's Providence, which is beside our present purpose, and which we may, perhaps, find a more suitable opportunity of

noticing before long. Thus reads the artistic peroration of the discourse :

“To speak only according to human insight on this subject, the Roman Catholic Church has her special mission in the kingdom of God. Despite her obscuration of the central doctrine of salvation, despite the tincture of legality and scholasticism which runs through her dogmas and institutions, and whatever else we may find to censure in her, she represents the exalted aspect of the historical continuity of Christianity, of the unbroken course of development from the apostolic to the present time; and it is not to be measured what now visible blessings, and what yet concealed seeds of blessing, are contained in this. * * * Side by side with Luther’s Reformation, that of Calvin had also its mission in the kingdom of God. That which, indeed, the Reformed Church itself boasts of as its greatest glory—its much sharper antagonism to the Mediaeval Church, from which most of its distinguishing tenets proceed—we, as Lutherans, can not possibly recognize to be an excellence. But Calvin gives us the complement of the Reformation on the side of religious morality, in the sanctification of the congregation, and the building up of a self-contained world of Christian ordinances and life from the inmost center of the living faith of the Congregation. A profound fear of God maintained inviolate, an energetic Christianity molding the life, these are the blessings that issued from Calvin’s work, and are to this day fertilizing Western Europe and America. And how should we, of all men, fail to recognize the mission of Luther?—above all, his insight into the deepest mystery and firmest pledge of our redemption, in the blending of the divine with the human, of the spiritual and natural, in the person of Christ, and in his Sacrament, that fountain of perfect consolation, as of inward piety, Christian freedom, and the right mean between extremes. * * * In all this I merely utter facts. But if we can thus, even with our human vision, recognize such a special mission in each of these confessions, how much more may we have a dim forecasting of their mutual coherence in one Divine, though to us, inscrutable economy? * * *

“But Catholicity, in this sense, is the final seal and highest norm of toleration. From it flows, not only the recognition of the members of other confessions as the children of God, but

the recognition of these confessions themselves as messengers from God. And the recognition and favoring of each confession by the State will be measured by the degree of error by which it overshadows its Divine commission. According to this, genuine tolerance does not consist in mutual surrender and adjustment of differences on the part of the various confessions, but rather that the members of each should only renounce error, and for the rest fulfill their own special mission with the utmost energy, while at the same time recognizing that of their brethren, and adopting their excellences so far as may be. No mutual surrender, except of error, but a mutual adoption of each other's truths, until we attain to a perfect communion, is the path of true progress. * * *

"At the time of our Lord's advent there was at Jerusalem a kind of men, such as Simeon and Anna, who waited for the salvation in Israel. They were no less true to the law than the Pharisees—they were true to the existing faith in its perishable as well as in its imperishable aspect. But their aspiration was directed toward a much higher good, and therefore it was granted to them to behold it.

"So is it with us. The expectation of a future salvation in the fullness of its truth and glory, which is exalted far above all earthly Churches, is of all things most fitted to make us tolerant; but it makes us tolerant in fidelity toward Divine truth, in fidelity toward the Church!" * * *

Now, my respected friend, we shall certainly both unite in rejoicing that our orator has at last found something able to make him and his friends tolerant. But we would fain be satisfied respecting one point—what "kind" of tolerance it may be. As eighteen hundred years ago in Jerusalem, so now there exists not far from Bethany, a "kind" of men who are waiting for the salvation in Israel, but refuse to believe that it is already come, and desire to remain thus, without doing any thing to bring it to pass. They choose to refer to the millennium, or to the kingdom of God in the next world, what we poor Bible Christians and laics of our United

National Church, not only desire for the Christian State of the present, but what we, relying on the Gospel, our Constitution, and the word of our King, think we have a right to call ours already, in the secure possession of that freedom for which poor European humanity, under many a sore oppression, longs and pines on her bed of pain! And in this point of view no particular confidence is inspired by the circumstance, that in the great Lutheran partition of the world at the portals of the Middle Ages, all our orator's affection seems to be reserved for the Romish Church, and little, if any, left for the Reformed. For when I remember the many points of advantage which the Lutherans, and now it seems the Catholics too, have over them—the Lutherans, the possession of the central truth—the Catholics, the “consciousness of apostolical succession,” while both together have such great blessings, and the Church of Rome more expressly so much hidden seed for the future, in the eye of our seer of the course of Providence—I am involuntarily reminded of the prophet Balaam, when it is coldly conceded that the blessing of the Reformed Church consists in the sanctification of the believers. Yes, truly, he came to curse like Balaam, and he has left a blessing! I, at least, thought that the sanctification of the Congregation was called in the Gospel and in the apostolic Epistles (and, as our orator undoubtedly knows, also in the Old Testament), the proper aim and final end of the decree of God's love for mankind, and the great object to be striven after in every true Church.

And now what shall we say to his mysterious hints of an approximation to the Catholic Church (which far outstrip the irenic dreams and fancies of the younger

Thiersch),* and the providential destiny of the Romish hierarchy (for that is the Catholic Church as a Government) for the future! And all this in the face of the struggle in Baden in the West, and the Austrian Concordat in the East, and the revival of the Jesuit training-schools in Prussia itself, and the persecution of Protestants on the part of this same Church, so replete with open and secret blessings, and the consciousness of the apostolical succession! As regards the peaceable relations of German Catholics and Protestants, or indeed of Catholic and Protestant populations in general, the orator need be under no apprehension: we dwell side by side, and carry on intercourse in perfect peace, and ask for nothing more than to be allowed to do so. But the question at issue does not concern the Catholics, but the Catholic Church: that is to say, the Romish hierarchy on the one side, and the Protestant people of Christ, with or without Supreme Ecclesiastical Counsellors, on the other. And let our author at least remember this for the future.

Certainly, therefore, my respected friend, it troubles me greatly to find so much in this ideal prophetic survey of the past and future, which I am utterly unable to understand. How gladly would I learn the truth on such sublime themes! But, once for all, I must be content to endure my ignorance; for when I look at the misery of the present, the anxieties that fill the souls of so many faithful Christians, the perplexities that beset

* The M. Thiersch referred to above is the son of the famous Professor of Greek, at Munich, and a member of the Church founded by the late Edward Irving. The expression "irenic dreams" refers to some views which he holds with regard to a universal reconciliation between Christian Churches, specially including the Romish.—*Th.*

men's consciences, the dangers of our country, the critical position of the whole world, the overwhelming issues hanging on the present crisis, I avow, my friend, that the most serious investigation of the truth affecting the past and the future, ought to sink into insignificance in comparison with the duty of love toward the community in which we are placed, and for which it is our calling to live and die.

Henceforward, then, I forsake the subject, grand and sacred though it be, of that true moral government of the world in which we and all good Germans believe, and always have believed, and turn to naked reality—to this present time—so full of troubles, and yet, to confess it plainly, so rich in hope and life.

Here we find a point of controversy, on which, in the interests of true peace, we can not lay too great stress. It may thus be expressed. Who is in possession of the right? the one united Evangelical National Church of Prussia (and not of Prussia only), or the Lutherans who have refused to come into it? Have we really one Church or three? And how does the administrative system of the Supreme Ecclesiastical Council comport with Stahl's principles, as expressed in this oration and elsewhere, but more especially in his official character? The point at issue may, however, according to my view, be more succinctly and simply expressed thus for those who will not misunderstand it. Do we set before us as our object, Bible faith and evangelical life within one national Church possessing this faith and practicing this life, or scholastic belief in creeds and Church formularies within three Churches? This brings us to the point which I indicated at the commencement of this letter: we have entered on the domain of reality, and the social conditions now existing, or in process of formation. But

we shall certainly best find our way by keeping closely to a documentary historical representation of facts, according to which the conscience of our jury, that is to say, the reading public of the religious world, and in particular our German evangelical fellow-believers, will decide.

We will therefore, in the first place, present to your consideration the legal decisions affecting the Union to the best of the "limited understanding" of a Christian man. With this view I have given, in the Appendix, the only four documents by which the point of law must be determined—namely, two edicts of the late, and two of the reigning monarch. They are the following :

A. 1817. Proclamation of Frederic William III., of the 27th of September.

B. 1834. Cabinet Edict of the 28th of February.

C. 1852. " " " 6th of March.

D. 1853. " " " 12th of July.

To these legal documents I have added the King's reply, just published, and dated October 11th, 1853, to some pastors of Wittenberg, and the Union Confession of the General Synod of 1846. This Confession has not, indeed, obtained any legal force, still it carries the not inconsiderable weight of an act of faith of that great assembly; and an Anglican dignitary and theologian equally remarkable for his faith, learning, and genius (alas! lately snatched from us by death), Julius Hare, has aptly said of it, that it was the grandest Confession of Faith ever framed by any Church in Christendom.

The legal decisions and declarations reach, therefore, up to October, 1853. Since that epoch, we have as yet received no documentary communications respecting the proceedings of the supreme board of administration. It was the mode in which the first royal decree of the 6th

March, 1852, was carried into effect, which excited such universal apprehension and grave doubts throughout the country, that the King was induced to put forth the second decree; and it is only the way in which the latter has been carried out that we shall have to consider, after taking a historical view of the legal ordinances.

We shall confine ourselves to the documents themselves, and the prominent facts connected with the carrying out of the Union from 1817 to 1852. On the right understanding of this main point must depend the general verdict pronounced by public opinion, and the final achievement of this great enterprise.

Besides Nitzsch's collection of documents relating to the evangelical Union, with his apostolical preface, 1853, we possess the profound work of his worthy spiritual brother, Julius Müller, *The Evangelical Union, its Essence, and its Divine Right* (1854). We have also two very valuable historical accounts of this epoch—one in *Hess's Church History* (9th edition, 1855), and another in the work of the same author, entitled *The Evangelical Protestant Church of the German Empire* (2d edition, 1852), and a third in Gieseler's last volume of *Church History*, which has just appeared. To these we must add Schenkel's excellent book on the *Vocation to Union of German Protestantism*, which has come out in the present year. With the views enunciated by these writers, I find myself in perfect agreement as regards the main point; still, in some respects, the history of the Union, as given by them, remains incomplete, and sometimes is mixed up with other subjects; and finally, none of these works furnish the documents, an acquaintance with which appears to me indispensable to the forming of an independent judgment on the part of the laity at large. Some state-

ments, too, of Gieseler, relative to the part personally taken by Frederic William III. in this work are neither complete nor quite correct. Eylert's account in his book upon Frederic William III., is that of a gossiping unintelligent old man, but it is in the main point historically true. The King has given a very simple and unvarnished picture of himself in his book, *Luther*. He was no author, but he was a Christian and a King; and as such, has not as yet received his due meed of honor from history.

I begin, therefore, with the historical account of the origin of the Union, and proceed from that to a review of the legal acts, and their execution, up to the promulgation of the Second Cabinet Edict of the reigning King.

HISTORY OF THE UNION.

WHEN, in the year 1814, after heavy trials and arduous conflicts, Frederic William III. visited England, an idea ripened within him which had slumbered in his breast ever since 1808. There, for the first time, he beheld the Protestant Church under a form worthy of her: at once national and conservative—honored, yet moderate—full of belief, yet liberal in practice. In the English Liturgy he found a service animated by a spirit of piety, and calculated to exert a living influence over its hearers, while it effectually accomplished the object of assigning to prayer its due share in public worship.

The first plan preparatory to a union of the two Protestant Churches of Germany, and a common liturgy for their use, were sketched in St. James's Palace, and were the fruit solely of his own inward impulses. Ere long, but after an interval filled up by the Congress of Vienna and the battle of Waterloo, came the Tricentenary Festival of the Reformation in 1817. What an event for a Hohenzoller and King of Prussia! In virtue of its own history and that of the country, it had become the hereditary vocation of this dynasty to labor for the removal of the lamentable divisions between the two Protestant Confessions: the house of Hohenzoller, originally Lutheran, had gone over to the Reformed Church shortly before the Thirty Years' War, and the personal religion

of all the reigning princes had borne strong traces of this latter type. But the Protestant population of the six eastern provinces belonged almost exclusively to the Lutheran Confession, while in Westphalia and the Rhine Provinces the Reformed element predominated.

From the days of Melancthon, thoughtful princes, with good and wise theologians, such as Calixt and Spener, and, above all, the great Leibnitz, had been rolling the stone of Sisyphus, in the vain attempt to reach Christian concord by the path of theological discord. For in endeavoring to bring scholastic theologians to an agreement about their systems of thought, they at once paid homage to the unhappy delusion of Byzantium and Rome, which places the life and creed of the Congregation in these abstract formulas of an imperfect philosophy; and, at the same time, did violence both to this philosophy itself and to the religious feelings which had entwined themselves around it. The grandeur and historical significance of the work achieved by Frederic William III. consists in the fact of his having perceived that this way was utterly false, and resolved that it should be given up. Why, thought he, should not the Protestant National Church exhibit her unity by a common worship and organization? What belief there remained, either among the people or the learned, did not take the hue of a particular confession, but of simple personal piety. There was no need for Lutherans to go over to the Reformed Church, nor the Reformed to the Lutheran; the question should be simply put to them—“Will you leave your differing theological notions concerning the Sacrament* to the schools and the learned

* The extreme form of the doctrine of election had never become an authoritative doctrine of the Reformed Church in Germany.

when you go to the table of the Lord, and when you are called to common action as a Church? In other words,—would you not rather constitute a National Protestant Church, and live under one ecclesiastical organization, than persist in a division which has borne such bitter fruits? You will be at liberty to use the Lutheran or the Heidelberg Catechism, or one in which your peculiar points of difference are kept in the background and softened down; you will be at liberty to preach according to whichever form of doctrine your conscience dictates—the one Lutheran the other Reformed, a third chiefly in the spirit of the form of agreement which may be hereafter adopted; but you must refrain from all condemnation of your brethren, and all attacks upon the other forms of doctrine admitted within the pale of the Union. This work shall be sealed by a Union Liturgy, which shall keep as closely as possible to Scripture, and by a united church government. A purely evangelical celebration of the Sacrament will unite you as brethren in faith and love in one worship—a common constitution, a single ecclesiastical body.” This is a tolerably faithful representation of the idea of Frederic William III.

I have purposely used the term ecclesiastical constitution, not merely church government. At that time the King still cherished a strong predilection for constitutional congregational self-development in the Church as well as in the State. This is evinced by his ordinance of 1816, which prescribes that presbyters, *i. e.*, elders, shall be chosen by each congregation, who, with the pastors, shall form the Provincial Synod, in which lay elders shall sit with the clergy. In this manner did Frederic William III. begin the greatest work of his reign—perhaps, of this century. That he did not enter on it without a grave sense of its importance and scope,

is unmistakably shown by his proclamation of the 27th of September, 1817, which may be termed the "Appeal of the King to his Protestant people," and which forms the first document appended to this letter.

The King announces to his subjects that it is his intention on the jubilee of the Reformation (30th of October, 1817), to assemble in his Church, at Potsdam, the Reformed and Lutheran congregations of that place, and in this united congregation to receive the Sacrament. The appeal which follows this announcement may be thus briefly summed up: Let every one who can and will follow my example, in faith, do so, as an act of faith and love, in thankfulness toward God, and it will be a work rich in blessing.

The King adds in explanation:

"By the proposed union of the two Churches, the Reformed will not go over to the Lutheran, nor *vice versâ*, but both will become a revived, evangelical Christian Church, in the spirit of its holy Founder."

With theology our wise and pious King would not meddle:

"To the wise guidance of the Consistories, to the pious zeal of the clergy and their Synods, I commit the outward form of the agreement to be entered into, assured that the congregation will willingly follow their proper leaders."

He himself prescribes no ritual whatever, but declares his conviction

"That if only the eye be directed in earnestness and sincerity, and clear from all interested views, to what is essential—to the great and holy cause itself—a form will readily be found; and thus the outward shape will spontaneously spring forth from the inward essence, and assume a simple and dignified aspect."

The whole body of the Berlin clergy, with Schleiermacher at their head, responded to the King's "Appeal" with a declaration and proposals, breathing at once Christian earnestness and Protestant liberality, and their example was soon followed by the country at large. In fact the King's project was so entirely in harmony with the wants of the times, that in a few years the movement in favor of a Union spread throughout the whole of Germany, except where it was checked by the higher powers. The gifted and sagacious historian, Karl Hase, has said with great truth, "The Union fell into the King's hand like a ripe fruit." If, now-a-days, ill-informed adherents of the *Junker* party, and extreme reactionaries, see, or pretend to see, in this willingness to meet on a common ground, nothing but ungodly indifference, this is simply a proof that they have no conception of the purely evangelical and undogmatic hue of the piety of that day, nor yet of the arduous mental struggles which Christians had undergone in coming to a conviction of the mischiefs of having these distinctive creeds imposed upon them. It was not indifference to the symbolical books, but a Gospel faith that had been tried by sorrows, and exalted by stupendous historical events, which made it possible for the King to carry out what it would have been impossible for the father and grandfather of the great Federic even to attempt. The Union came to pass spontaneously, as Leibnitz had prophesied long before. It is true that the most powerful thinkers of the age joined the King in wishing for a combination and gradual coalescence of the two Confessions, but they only wished it in the sense of an earnest evangelical faith. Those shallow writers are even less aware of the fact that the relaxation of the rigid chains of those theological creeds which have cost Germany

her place in Europe, torn her asunder, and well-nigh reduced her to slavery, was the safety-valve which preserved thinking people from utter skepticism and despair, and the members of our Church from the convulsive throes of politico-social revolutions.

Frederic William III. was the representative of the sentiments thus shared by the noblest and best of our teachers and thinkers, as the personification of Christian common sense; and he was adopted as their leader, even by Churches which were not subject to his scepter, and as their exemplar by independent Governments. The great fundamental idea of his Appeal was as little sectarian as it was inconsistent with churchmanship. This is proved by the remarkable sentence with which it concludes, and which was uttered in a spirit of sincere faith untinged by proselytism: "May that promised era be not far distant, when all shall be gathered under one shepherd into one fold, with one faith, one hope, one love." But certainly from the very beginning the difficulty was evident of bringing about a new embodiment of spiritual life without the active co-operation of an independent Congregation, and without a strengthening of personal faith. The course taken by the King was by no means simply negative and latitudinarian; for brotherhood in the Union must strengthen our grasp of the fundamental conceptions of Protestantism—the supreme authority of the Bible above all creeds, and justification by faith (therefore, subjectively, by virtue of a temper of trust and willing self-surrender), and likewise our faith in the chief doctrines flowing from these first principles, concerning the Law and the Gospel, this world and the next.

While, however, the King felt that the Union could not be consolidated without the two positive and practical

bases of a Liturgy and Constitution, the idea of the latter was somewhat obscured in his mind during the period from 1820 to 1822, by the insurrections in Spain and Italy, and by the "*Burschenschaften*" among the students and their proceedings at the Wartburg. We must, however, state the simple historical truth, and what contributed still more to this result, was the purely absolutistic and aggressive attitude which the closely allied Imperial Courts of Russia and Austria assumed toward liberty in general, and which they induced him to assume also, to some extent, by means of the Holy Alliance. This reacted upon the question of the Union, as was shown by the fact that the Decree of 1816, respecting the establishment of presbyteries in the congregation, in order to the election of mixed synods, was never carried into execution. During the following years there was no want of efforts to induce the King to take further steps in the matter, but age had indisposed him to stir and change, and his experience with regard to the introduction of a Liturgy had irritated him, and rendered him mistrustful.

The commission which he appointed, so early as the year 1814, to deliberate on a Liturgy, after long official correspondence and discussions, at last succeeded in framing a scheme, according to which the first Union-service was held in Potsdam, on the 30th of October, 1819. With a few remarks, Schleiermacher easily demonstrated its practical inefficiency. It is not true that this scheme was the King's own production. It was only after its failure that the King took the work into his own hands, with the resolve to keep closely to the Liturgies framed by the Reformers, or rather to their modifications of the order of the mass, which were brought into provisional use in the different provinces of

the country in the sixteenth and seventeenth centuries, and had never been legally abolished, but only fallen into desuetude. He caused these Liturgies and rubrics to be laid before him, and a short comparative review of them to be prepared in the Cabinet itself. After he had thus made himself personally master of their contents, he, with the assistance and advice of a few clergymen in his confidence, compiled from them the "Agenda for the Cathedral and Royal Chapel at Berlin," which appeared in 1821. The result was a simple order of worship which, in substance, corresponded to those older forms, though certainly not without some errors and onesidedness.

If this production, unsatisfactory and incomplete as it could not fail to be, had issued from the deliberation of a Synod in which the Congregation was represented, and had been put into the hands of the people as a supplement to the Hymn-book, it would have been as welcome as the "Appeal to the Union." But appearing thus, as the production of a military Cabinet and Court clergy, it was regarded as something alien and unprotestant, and was received with decided mistrust. Congregational singing and the sermon, the two vital elements of the evangelical worship, certainly seemed about to be thrown into the background. The Agenda was a book for the clergy, and not put into the hands of the people at all. The order for public worship bore no popular name, but the foreign, hierarchical-sounding title of a "Liturgy." It was "performed" without a pause by a choir, also not a thing of native growth; and a short sermon, without preface, formed a kind of appendix to it. As to the feeling of its foreign character, it did not even remind the hearer of the Common Prayer-book of the Anglican Church, but rather suggested a comparison with the

military Russian Liturgy, which had made a deep impression on the King. Finally, the people were predisposed to regard any thing emanating from the Government with undue suspicion, by their political dissatisfaction at the attitude assumed by the three Northern Powers toward the constitutional aspirations of the peoples of Southern Europe and the legal constitutional development of Prussia and Germany.

The difficulties that beset its introduction were overcome in the course of the next few years by the firmness of the King, by the personal confidence felt in his just moderation and freedom from all narrow pietism, and finally, by the tacit consciousness that the Union itself was a heaven-inspired thought, and in harmony with the demands of the age. But what contributed, perhaps, the most to the removal of all opposition, was the reference of the Liturgy, in 1829, to the Consistories and assemblies of clergy, for the purpose of introducing such modifications within the limits of the original type as should adapt it to the use of particular provinces. Already, in the beginning of the year 1828, the King had sanctioned the use, in the Chapel of the Embassy at Rome, of certain very important alterations, which bore the stamp of congregational co-operation, in the arrangement of the Liturgy; and, in particular, had conceded that the sermon "should be restored to the more important position in the service, formerly assigned to it by a wide-spread and ancient custom." This rubric, and the preface to the "Liturgy for the Evangelical Chapel in Rome," proceed from the King's own hand, who examined for himself the order of worship laid before him, in all its details, with the greatest earnestness, as is testified by papers of his still preserved. Meanwhile, the Union itself, with its symbol, the Union Liturgy, was

making progress, and in 1830 was introduced by law into the various congregations. But at the same time an Old Lutheran reaction showed itself, which found an organ in Scheibel, a very ignorant, but resolute and fanatical preacher, and gradually caused the King much anxiety. The spirit of adherence to a particular confession was aroused, and now the isolation and helplessness of the royal dictatorship became apparent. The want of any independent governing authority in the Church, and of all free congregational action, rendered it more and more difficult for the Government and the Congregation to come to an understanding with each other; nor were there any adequate legal securities for religious liberty. Hence sprang the Cabinet Order of the 28th February, 1834, the second document we append, which properly has to do rather with the Liturgy than with the Union.

The King sought to separate the question of the Liturgy from that of the Union. He held it to be his right, in virtue of his sovereign authority, to lay the Liturgy before the congregations for their acceptance; while the accession to the Union, he says, is a matter of free choice;—it will be easy for an unprejudiced person to convince himself that this has nothing to do with any abolition of confessional distinctions hitherto existing. As it had been said in the Appeal of 1817, “that the Lutheran should not go over to the Reformed Church, nor the Calvinist to the Lutheran,” so this Edict says, evidently with the same meaning, “the object and intention of the Union was not any conversion to a new Confession of Faith.” His fundamental principle of the Appeal of 1817 had been already recalled to mind by a Cabinet Order of the 30th April, 1830, which expressly declares that “the Union involves no change of Confes-

sion." The Union Liturgy, we are told by the Edict of 1834, is not intended to occupy the place of the confessional writings which have been handed down in the Church. No evangelical Christian can be unable to accept it, nor does its acceptance necessarily involve any accession to the Union. A congregation which joins the Union naturally adopts the Liturgy, but it does not, by adopting the Liturgy, constitute itself a member of the Union. But even those who believe themselves bound to hold fast the distinctions of doctrine between the two Confessions with the utmost strictness, ought not on this account to deny themselves all outward Church fellowship. The meaning of such expressions must clearly be nothing else than this: that such dogmatic Christians and congregations may be willing not only to recognize the preponderating coincidence of the two systems of doctrine, but through faith in what they have in common, to live in external Church fellowship; that is, at least, to make use of a common form of worship, and to live under the same Protestant Church government.

To one point the King holds fast, as that by which the Union must stand or fall :

“ Under no circumstances can the enemies of the Union be permitted to constitute themselves a separate religious body.”

This evidently can not mean to say, the Old Lutherans are to be driven out of the country. For if so, what would become of the fundamental principle, that accession to the Union is wholly voluntary? It can only mean, therefore, they shall not organize themselves into a separate religious body within the United National Church. The King saw that else we should have in future three State Churches instead of two, and that his

pious labors, instead of producing unity, would only have brought about worse divisions. Hence, the King, in the earlier Edict of the 30th April, 1830, had already recommended the General-Superintendents to endeavor to bring about : “ *The disuse of the distinctive names of the two Protestant Confessions (Reformed and Lutheran) both by the clergy and laity.*”

He who wishes to live within the Protestant National Church as by law established may therefore, as a schoolman or a dogmatist, remain Lutheran or Reformed, as he chooses ; provided only that he give the inferior place to the points of difference, and subordinate them to the points of agreement, instead of ranking them as inseparable on the same level. The ministerial regulations of the reign of Frederic William III. amply prove that during this reign this principle was followed in all the proceedings and decisions of the Government.

From the time that the Union Liturgy had been extended and modified by the various provinces in 1829 and 1830, the Union had existed by law throughout the country ; having been accepted by the clergy and laity, with the exception of a few congregations, whose resistance would soon have died out, had they been quietly allowed to take their own course. In the Rhine Provinces and Westphalia, thirty-two congregations did not join the Union, but unhesitatingly adopted the synodal constitution, in which they lived amicably as united members. In the rest of the provinces, this seal, the element borrowed from the Reformed Church, was wanting ; but the liturgical seal, the guiding and overruling element, was present ; and sacred song and prayer worked together toward that union of heart of which they were the outward symbols. Not only every province, but every separate congregation had been suffered

to maintain its own forms and customs, if they had no exclusive tendency, and learned now to feel united with the rest in that Last Supper of Love which, in its dogmatic form, had caused, and could only cause divisions.

Undoubtedly, the opinion of those who maintained that the Union had no solid and permanent foundation was but too soon confirmed. There lacked, except in the Rhine Provinces and Westphalia, the legal recognition of the Congregation as the depositary of right, as well as any permanent organs of the pious consciousness of the united people.

Since 1809, the King had exercised a pure dictatorship over the Church, and administered its affairs through his officers. Every parish priest was designated in the official oath as "servant of the Church *and State*." Under such a despotic (however mild and well-intentioned) Church-government, not much regard was paid to the obtaining of a formal and authentic expression of sentiment; the acceptance of the Union took place in each congregation separately—sometimes by the enthusiastic assent of the whole, sometimes by the pastor alone, with that tacit consent of the congregation which is the favorite form or fiction of the absolute canon law. The clergyman reported to the Superintendent, the latter to the Consistory, and the Consistory to the ministry, that the acceptance had taken place. But it had really taken place everywhere in the course of these seventeen years, and had been carried out and established by law without opposition. In 1834, in about five Lutheran congregations, some resistance was displayed, but even in them only by a minority (as far as this fact can be learned from official documents, I speak from personal knowledge).

The congregational element was also far too much neglected in the mode adopted in introducing the Union Liturgy. The Liturgy was, and continued to be, an Agenda, and was treated as an affair of the clergy alone, because it had been so in the first instance. It was not included in any Hymn-book; nor was it popularly developed, like that of England, into a dialogue between the priest and the people. It was "performed" by the "officiating minister and the choir." No doubt, with regard to these mistakes, the King betrayed a certain degree of narrowness and timidity of mind; but we must not forget the materials he found existing around him;—the invincible pedantry of the narrow-hearted and priest-ridden seventeenth century, and the barren formlessness and chaos of the eighteenth, both the result of our political condition.

Thus religious liberty was the first necessity to rekindle that congregational feeling in individual Christians which might be the parent of new organizations. To grant this liberty to the small party of Old Lutherans, who certainly found themselves treated with the utmost rigor of the law, was one of the first acts of the reign of Frederic William the Fourth.

But the whole tendency of the present King's labors was toward freedom, and the practical supply of those deficiencies of the Protestant Church which we have characterized above. With this aim he convoked, in 1846, after many preparatory measures, the first General Synod, which consisted of thirty-seven clerical and thirty-eight lay representatives, and included among its members the most distinguished men of Prussia, whether for enlightened piety and spiritual experience, or for power of utterance and knowledge of Scripture. The overwhelming majority of this assembly felt, like the

King, that the first task of such an assembly must be the consolidation of the Union. For how could any thing profitable be done for or by a Church, unless it were first of all clearly determined what was necessary to church-fellowship and for the representation of the Congregation? Unhappily, no practical efficacy was given to their proposals. But there remains, as a monument of their spirit, their memorable theological declaration on the import, extent, and bearing of the points of agreement between the two systems of doctrine; as whose author Nitzsch may be regarded, in conjunction with Dr. Julius Müller, who was charged with the drawing up of the Consensus.*

No person of candid and well-informed mind can read this remarkable document without becoming convinced that the witness thus borne to the Union forms the most dignified and decisive answer to much of the theological bigotry and scholastic arrogance of the present day, as well as to certain misrepresentations of the original idea of the Union, which would give it a meaning favorable to the exclusive spirit of the Old Lutherans.

On the latter side, unhappily, we even then find Stahl, as the head of a minority, consisting of fourteen members. We have the speeches he made in these deliberations now before us in the records of the General Synod, and we can not but perceive that they proceed from a point of view, not merely occasionally differing from, but diametrically opposed to the view of the majority, and the Union of Frederic William the Third. For Stahl announces that "the logical definitions of the truths essential to salvation given in the Creeds, can not be separated from the truths themselves." He declares

* See Appendix F to Letter X.:—The Evangelical Consensus adopted by the General Synod of Prussia in 1846.

for himself, and those who think with him, that "the truths essential to salvation are, to them, living only as they are contained in the vessel of the Creeds." These words, therefore, fully confirm our exposition of his somewhat obscure statements on this subject in his speech of 1855. He denies the Union.

But at the same time he admits that :

"The logical definitions of the Creeds are defective, and not fully adequate to the Divine Truth; and it is the task of every private Christian, and of the whole Christian Church, constantly to rise nearer to the Divine Truth itself, and to endeavor after a wider conception thereof, toward which, however, these logical definitions must permanently serve as a vehicle."

As to the mode of reconciling this, doubtless, correct view of the inadequacy of the definitions of the old ecclesiastical Confessions with his former high-flown theological utterances, we are left quite in the dark. We might ask, what will become of the vessels when the saving formularies free themselves from their bounds? or of the truths essential to salvation when they are taken out of the vessels without which they are but dead?

Not only is every philosopher of our age fully aware, but every unlearned evangelical Christian must easily perceive, that it is impossible not to fall into contradictions, if the simple Christian faith, as contained in universally known Bible maxims and the Catechism, and witnessed by conscience, is placed on the same level with the acceptance of the scholastic deductions of the sixteenth and seventeenth centuries. The inadequacy of the principles of exegesis and historical criticism on which these deductions are based, and the defectiveness of the whole method pursued then, as in the Middle Ages, in philosophizing on Biblical theology, are now universally acknowledged. The very man who holds

Luther's fundamental conception of Justification by Faith, as expressed in the Augsburg Confession and the Smaller Catechism, to be the best exposition of this point of doctrine, may entertain the strongest objection to the demand, that the same respect should be conceded, the same binding power assigned, to the systematic development of this doctrine by the Lutheran divines. His objection will be grounded partly on the nature of the case itself, partly on the defective and arbitrary character which, according to Stahl's own testimony, is inherent in all such theological formulas. And all this will be felt still more strongly with regard to the scholastic body of proof for the Lutheran doctrine of the Eucharist, in which Luther himself has but a small share.

Unfortunately Stahl's expressions concerning the Union were as obscure formerly as they are at the present day. He admitted (and it is well to note this) that

"The confessional Union is already accomplished, and the ecclesiastical government is confessionally united, in so far as it is the only organ through which the Church has the power of expressing her faith, and giving it practical effect; in this sense there exists no longer any Lutheran Church in Prussia."

Such is his view of the state of the case in the eye of the law. But henceforth it must be the grand aim of the rulers of the Church to counteract this condition of things. The problem of the United Church government must be, "to protect the separate Confessions within the pale of the Union." This last proposition demands grave consideration. The shadow of Frederic William rises up to protest against the assertion, that he intended to attack the separate Confessions: he would only assign them their right place in the life of the Christian Congregation, and not suffer the great National Protes-

tant Church to become once more a Church of theologians, through the rekindling of a religious zeal for ecclesiastical distinctions. On the other hand, all fear of any oppression of the separate Confessions outside the United National Church is no less strongly negated by the perfect liberty accorded to them, immediately on his accession to the throne, by Frederic William IV. But to carry out in practice the protection here demanded for these Confessions, in their scholastic completeness, within the pale of the Union, is to destroy the Union and annihilate its fundamental principle.

The separate Confessions possess, as all agree, a harmony with each other which is grand and beautiful, consoling and peace-giving: he who holds fast by this, and as a member of the Congregation keeps in the background the discordant theological dogmas of the two systems, is within the pale of the Protestant National Church, and belongs to a noble confession. He who can not, or will not, do this, will find ample protection in the separate Churches, Lutheran or Calvinistic, founded upon these points of difference. As a learned theologian, any one of course may prefer the one doctrine and its development to the other; but this has nothing to do with congregational life, only with the republic of letters. But whoever would lay stress on these differences as a hinderance to a common constitution, and to union in a common worship of God, can not honestly remain within the United Church: he denies it. He can only remain in it in order, consciously or unconsciously, to work its destruction.

If we compare Stahl's expressions in 1846 with the oration of 1855, we perceive a progress that must be regretted, on the path of introducing confessional separatism within the pale of the Union, and fostering it

through the agency of the highest dictatorial council. He says now, as we have seen, that it is altogether inadmissible to make any distinction between fundamental and non-fundamental doctrines: every thing is fundamental in a true system. “*And ANATHEMA SIT! whoever consciously gives up one tittle thereof!*”

This is, if possible, even stronger than his characteristic confession of faith, apostolic, œcumenic, and Lutheran, in the *Kirchentag* of 1853.

We now come to the fateful years of 1848 and 1849, and must take notice of Stahl’s remarkable expressions of opinion at that time, and the official measures which followed them, in so far as they affect the Union and the United National Church.

On the 15th of January, 1849, the then Minister for Ecclesiastical Affairs, M. von Ladenberg, invited all the Consistories and Protestant theological faculties of the universities, with the Privy Counselor of Justice Stahl, and three other distinguished professors of canon law, to send in reports on the best method of preparing the way for the constitutional independence of the Protestant National Church. These reports were published in the following July. As early as the autumn of 1848, the idea of committing the work of framing the constitution to a General Synod, springing from direct election, had been given up, and the discussions now turned on the necessary organic preparations for a National Synod, to be elected by the Synods of the separate circles and provinces, which again were to be elected by the parochial boards. Others desired a free Conference for the discussion of the subject; and Stahl had advocated this view when there was still a probability that a General Synod resting on direct election might be called.

A memorial drawn up by Dr. Ludwig Richter,* the celebrated professor of canon law, which contained a lucid statement of all the views hitherto expressed on the topic, accompanied the ministerial invitation. It now stands at the head of the very meritorious publication containing the "Official Reports on the Constitution of the Protestant Church in Prussia." The upright Professor of law justly ranks the Union itself as the preliminary assumption. In some few provinces, he says, the reaction of certain political agitations has given rise to the idea, "that the first and most essential step is to restore to the separate Confessions those rights of which they have been deprived by the Union." "This party," continues the memorial, "renounces, therefore, the maintenance of the external unity of the whole great Protestant Congregation of the nation; and in the place of the National Church, whose conception is to them wanting in clearness and truth, they would restore three independent spheres of religious life—the Reformed, the Lutheran, and the United Churches."

This is the language of truth and history. We now know on official evidence, that Stahl's report (p. 404-416), may be regarded in the main as the organ of that Lutheran party which had been stirred up in certain provinces. We find in it the very words which Richter characterizes as the party-view of the enemies of the Union.

* The most learned and famous professor of canon law in Germany, now at Berlin; in 1847 he was made Counselor of the Ministry for Ecclesiastical Affairs, and wrote excellent memoirs in connection with this department during 1848 and 1849. He is a member of the Supreme Ecclesiastical Council, but is opposed to Stahl, whose theories as to the depositary of power in the Christian Church he had demolished in a learned work published in 1843.—*T*.

With regard to the Constitution, Stahl rejects the territorial doctrine, according to which the sovereign, as such, governs the Protestant Church. But I do not give him much thanks for this, as he lets in the right of the sovereign to govern the Church by another door—namely, the Protestant sovereign governs it as being its “highest member.” Both systems are irreconcilable with the rights of the Congregation and are practically alike. Dr. Stahl knows full well that the King of Bavaria and the Emperor of Austria are justly indifferent to such distinctions. If the Protestants are, once for all, to be governed by their sovereigns, no sovereign will find any difficulty in accepting the position. It comes to the same thing whether he rules by Lutheran usage or the new Cæsaro-papacy, of which the Prussian Supreme Ecclesiastical Council is laying the foundation:—whatever be the form, it is in virtue of this sovereignty that the Reformed Churches of Hungary and Transylvania now see their free constitution menaced by the extension of the consistorial form of government to the Reformed Synodal Church. The same fate has overtaken the Reformed Churches in other places. Did not the Catholic Minister of the Interior in Bavaria, a short time ago, forbid a highly-respected clergyman and member of the Consistory to take part in an assembly of deacons, of a purely religious nature? Moreover, Stahl preaches against the territorial doctrine, because he fears that by virtue of it complaints might be laid before the Chambers of the non-execution of those Articles of the Constitution which affect the Church. A constitutional appeal to the Chambers with regard to the execution of these Articles is, in the eyes of his party, identical with sacrificing the independence of the Church to the State. An appeal to Parliament, there-

fore, a piece of "territorialistic" treason; but that the Protestant sovereign should rule the Church as her "highest member," with the help of the academical body, is founded in justice. And wherefore? Stahl says, because it is founded on the existing facts of the case. Nór according to him, is it contrary to the letter of the Constitution (as he publicly declared in the Pastoral Conference of 1848), only to the spirit of it. At any rate, therefore, it appertains to the Crown to continue to rule the Church for the present:—a provisional arrangement that however, "may occupy a considerable space of time, which it is wholly impossible to determine before-hand." The preparation of the Church for the introduction of a new Constitution would be best committed to a board of commissioners, hereafter to be organized, who should rule the Church with the now existing Consistories under it. But even in this ultimate constitution, this ecclesiastical board, strengthened, perhaps, by the addition of some members of Consistories, must share the government with the representative Synod. The Congregation, as we all know, is not in his eye the depository of right.

When, however, he represents such a constitution as in harmony with the usage of the Lutheran Church, he is but too correct; for it would be nothing else than the consistorial constitution of the seventeenth century, first established as a provisional arrangement (which has lasted, however, in all its rigidity, for three hundred years) by a dictatorship that had passed into a despotism! The whole apparatus of synodal deliberation in this system is, in practice, merely a troublesome and costly appendage. The Central Commission, which rules the Church in the name of its Protestant head, has not only the executive power (therefore the actual

government), but a share in the deliberations, and even the right of veto.

When, however, he hints that such a constitution, "as not organized from below upward," is consistent with the spirit of the Apostolic Form of Church government, I must confess, my friend, that this sentiment, if it is not a mere common-place, has strengthened my doubts whether this learned man has ever really made researches on any field of theology: that he has not done so in the field of exegesis I have already seen much reason to doubt—to his honor, and the calming of my own fears. And in early Church history he seems merely to have taken up certain assumptions, in order to make them of use in his interpretation of history and law. But Richter has already proved, in 1843, that his view is false, even according to the expressions of the Reformers themselves.

Finally, when he finds the fulfilment of the national Constitution of Prussia in such an ecclesiastical constitution, it is sufficient for the "limited lay understanding" to point to our Magna Charta (printed in the Appendix), to prove that such an assumption is as contrary to the Constitution as it is discordant with the wishes and expectations clearly enough expressed by our Protestant population. He himself has confessed that the form toward which he works as his goal is irreconcilable with the spirit of the Constitution; consequently he can but be working toward the complete transformation of that spirit.

After these declarations—painfully surprising, indeed, from so acute and learned a man—Stahl's report reaches the vital point, the Union. He admits that the members of the Confession (read: Lutherans) possess no satisfactory guaranty for their confessional convictions even in

the Cabinet Edict of 1834, expressly intended to tranquilize their fears; for this Edict is neither clear in itself, he says, nor is it everywhere carried out alike. Besides, the Lutherans have still to complain of two restrictions. One is that the Lutheran congregations are forbidden to use their old Liturgies—the other that they are forbidden to form an organ of ecclesiastical law for themselves, whose sphere of action should consist in watching over the maintenance of the confessional character. This is true—that is, *within the Union*; for as separatists they already have more than is here demanded. The one thing that has hitherto been refused is an organ of separatism within the Union: to grant it would be self-contradiction or treason; to demand it—is not seemly.

Whoever knew the Union as it was under Frederic William III. (and I had occasion to make myself personally acquainted with it long before Dr. Stahl came into the country), will scarcely trust his eyes when he reads such a charge against the honored memory of its founder. The assertion, that no regard was paid to the peculiarities of the Lutheran Liturgies, is entirely contrary to fact. After the provincial deliberative assemblies of the clergy, held in 1829, had accepted all those formularies of worship which were certified by the superintendents or pastors of parishes to be still living and dear to the people, still more was done; for (as the King's commands gave me occasion to see for myself, in 1834, by the inspection of official documents) wherever an old Agenda was insisted on, whether reasonably or unreasonably, its use was permitted as a special appendix to the general National Liturgy, except where, in the celebration of the Lord's Supper, some form had crept in which would exclude their Reformed brethren

from Church fellowship. The same documents, however, also showed but too plainly that the fanaticism of the Old Lutherans (who did not then form the majority of a single congregation) went so far that they resisted the binding up of their own Agenda with the Union Liturgy in one volume as a desecration of the former. And these are the people of whom a man of intellect makes himself the organ!

If, to please a few ignorant country congregations in whom a fanatical spirit is systematically excited, this arrogant and exclusive party should overthrow the first principles of the Union, while still remaining within the United Church, they will end by practically destroying the latter; at least, they could pursue no other course were such really their object. Now Stahl sees no harm whatever in this. On the second point he certainly perceives some difficulties; but it would only be necessary, he thinks, to replace the Union by a "Confederation," such as has already been proposed by the Wittenberg Assembly of Lutherans, and was described by Stahl himself, in the Pastoral Conference at Berlin, 1848, dimly looming through the twilight of futurity. Thus, perhaps, might the Lutherans be withheld from schism and complete separation; in case of which, they would be entitled to appeal to the Peace of Westphalia, and the legal condition of things before 1817, were not at least the half of the Church property assigned to them.

Here, then, we first encounter the phrase, which began to grow current in 1848. "Confederation" is the ominous word which some are seeking to substitute for "Union;" and confederation is the thing which the same men are, to the utmost of their power, substituting for "Union" in practice. The dust of "Confederation," some years later, was thrown in the unsuspecting half-

closed eyes of the good honest *Kirchentag*; and thus it happened, to the deep grief of myself and many good Protestants, that the *Kirchentag* of 1853 adopted that name, and set aside the improved Confession of 1540, which received Luther's approbation.

The menace of the Peace of Westphalia, almost reminds us of the terrible words of Bishop von Ketteler and M. von Linde; here, however, it is rather ridiculous than offensive.

Stahl closes with the following remark:

"Altogether it will require a special statute to settle the question of Church property, in case of a change of Confession, or of internal schism."

The Constitution, it seems, has settled and can settle nothing on this point; and the old regulations are no longer sufficient. The sentence is somewhat obscure, as is occasionally the case with our Professor of canon law. Can he here have suffered himself to be carried so far away by his theological system, as to have forgotten the first principle of the Union, namely, that in it no change of Confession finds place. In the United Church the Lutheran does not become Reformed, nor the Reformed Lutheran. To *secede* is open to all; he who does so for conscience' sake, is simply a separatist or dissenter worthy of all respect.

As to the Synod, in 1848 Stahl proposed, instead of a Synod, a Conference for free discussion. This proposition he now naturally recalls, for he wanted the Conference only to avert a General Synod; when this object was accomplished, he wanted neither Conference nor Synod. But he does want a Supreme Ecclesiastical Council—that is, the "Central Board," of which we had a glimmering prospect above, and which is to rule

in the name of the Protestant sovereign, with the aid of subordinate Consistories for the management of local affairs.

My dear friend, we promised at setting out that we would look things in the face and call them by their right names. What, then, is the practical kernel of the whole report? What is Stahl aiming at? or, setting aside all personalities, what would be the necessary practical result of the plan here proposed? A Cabinet Government in the place of a Ministerial Government—therefore, in the course of time, the most dangerous form of an absolute State Church. This permanent Board, personally dependent on the sovereign for the time-being, is to be extended by the aid of Synods, in order to place it in a position to pass ecclesiastical measures with a show of Church authority, and to give them the appearance of being the work of the whole Church, laity as well as clergy. I cast suspicion on the motives of no man; as a Christian, I know that I ought not to judge him: I speak only of the system. A system works independently of all motives; according to the eternal law of God, things produce those effects only which it lies in their nature to produce. But when an individual or a party consciously puts forward such a plan, I say openly, it is a purely unconstitutional evasion of the Constitution—nay, it is an open insult to it, and all who have sworn to it—to the King, and to the nation. Is not this the truth?

Such, then, is Stahl's report of February or March, 1849.

More than a year passed without any thing being done beyond assigning the management of the internal affairs of the Church to a special section of the Ministry for Ecclesiastical Affairs. But the Royal Edict of the

29th of June, 1850, called into existence a collegiate legislative body, with the title of the "Evangelical Supreme Ecclesiastical Council." The office of this board is to co-operate with the Ministry for Ecclesiastical Affairs in preparing the way for the introduction of a congregational organization into the congregations of the Eastern Provinces, and doing whatever else may be desirable to lay the foundation of an independent Church polity.

Once accepting the idea of a dictatorship (and that the transition to independence should be accomplished by means of a dictatorship, holding plenary power from the sovereign, has in it nothing essentially unconstitutional in my eyes), we must allow that the Royal Edict, while imposing a heavy responsibility on the new board, left it at perfect liberty to do what was good and right. Evidently, all depended on the fundamental view taken of the Union. Where such views of the Union and its object, as those impartially delineated by Richter, and gloried in by Stahl, are openly professed, he also who joins the Union as it was conceived by its founder and the nation, is capable of accomplishing any thing truly beneficial within the United Church—nay, of fulfilling the most moderate demands of the public conscience. Not every one, however, is able to join the Union in this sense sincerely; but every one, it seems to me, is free to accept or decline a seat in that Supreme Ecclesiastical Council, whose object is to confirm and settle the Union on a secure basis.

I repeat it, then as now, all fruitful co-operation in the conduct of ecclesiastical affairs seems to me impossible, so long as we do not know who is the depositary—who the subject—of the organization whose introduction is to be prepared: whether one United

Church, or three confederate Churches, one of which regards the two others as swerving from the center, and seeks to overshadow them by the honored name of Luther.

We will now give an uncolored narrative of the official acts of this board. So early as the 2d of the following month it had completed a very minute system of congregational organization, which on the 11th of the same month was presented to the six Eastern Consistories, as it was not needed by the Church of the Rhine Provinces and Westphalia, which had already adopted a synodal organization in 1835. This work bears the name of "Sketch of a Protestant Congregational Organization." That the beginning must be made with the ecclesiastical organization of the local congregations, was the very first idea underlying the unexecuted Cabinet Edict of 1816, and the Royal Edict of 1850. The fundamental idea, therefore, is a new pledge from our sovereign for the Union and the Constitution. The organization here decreed also contains much that is excellent and worthy of grateful acknowledgment. The wording of the first two articles is certainly questionable. When the First Article says that the Congregation is a member of the Protestant Church this declaration might seem superfluous; but it seems ominous when it reminds the Congregation that her right to this membership rests on the full theological Confession to which the clergy are bound, and demands a promise of submission to the general laws of the Church (ancient, modern, or future laws therefore), but *says nothing of the supreme authority of the Scripture.*

The Article runs thus :

"As a member of the Protestant Church, the Congregation confesses that doctrine which is founded on the pure and clear

Word of God—the prophetic and apostolic writings of the Old and New Testaments—and is testified in the œcumenical Creeds, and the Confessions of the Reformers; and further submits itself to the general laws and regulations of the Church.”

This is not all : according to the Second Article :

The Congregation binds her members to be diligent in the Christian walk and conversation; to give their aid to the maintenance of the institutions connected with the congregations by the supply of the necessary contributions, and to confess themselves members of the Church by participation in the Word and the Sacraments.”

On the fulfillment of this engagement rests (according to Article 3) the right of the member to a share in the Church's means of grace, and the institutions and ordinances of the Congregation.

I confess this regulation seems to me questionable. It is meant, we are told, to exclude the so-called “Free Churches.” But these latter do not belong to the United National Church at all, and it will scarcely occur to any congregation of this Church, or its churchwardens, to seize the opportunity of making a little private Confession of Faith, as “*Licht-freunde*,”* for itself! But what, I ask you, my honored friend, has the simple evangelical Christian to do with the three œcumenical Creeds? Of course, the term means, besides the ancient so-called baptismal vow or confession, which is the only Creed occurring in the course of worship and in the Catechism, the Nicene Creed (properly speaking, the Constantinopolitan, of A. D. 380), and the

* Friends of Light. They were fellow-thinkers of Uhlich of Magdeburg, mentioned in a former letter. Their belief was, in the first instance, a sort of Pantheistic Christianity, but gradually approached nearer to simple Deism.—*Tr.*

theological formula of the fifth century erroneously attributed to Athanasius. And will he who knows any thing of the last named, choose or feel himself free to purchase his congregational rights with this Confession? What should we both say in such a case? First, I think, we should ask, who gives you or any one a right to demand of me as a simple Christian and member of the Protestant National Church, that I should confess my belief in these creeds as witnessing the truth contained in God's Word? And why these creeds alone? Why not the doctrines of those Councils in the first five or six centuries, to which the creeds owe their authority in the Church? Why not, for instance, the dogma of the Ephesian Council concerning Mary, as the mother, not of Christ, but of God, from which Rome has just drawn an inference not wholly unjustifiable from this point of view? Next, we should probably resist the demand on internal grounds. We might regard the Nicene Creed (even if it had not been corrupted in the Western Church by the interpolation of the words "and from the Son,") as a one-sided exposition of the Apostles' Creed, and yet might hold fast to the Augsburg Confession. Thus, too, we might, like most Christian scholars of the present day, hold the third Creed to be a forgery, and a piece of unscriptural and unapostolic subtlety. We might abhor its damnatory clauses, and yet be good members of the Congregation. At any rate, we should be far less willing to rank these Creeds than even the baptismal confession of the Roman Church on a level with Holy Scripture, which is never mentioned at all. As a congregational testimony against error, the *Te Deum* might appear to us far more appropriate than those two formularies. Luther, it is well known, adduces it in his translation as a fourth Symbol. The

wording of this Article, therefore, is a mistake, and a distortion of the fundamental idea of the King.

Next follow the organic definitions themselves :

Every man of full age is entitled to a vote who has not given cause of offense by a vicious course of life, or by evincing in his acts a contempt for religion or *for the Church*. The question of fact is decided by the Congregational Committee, or, in case of appeal, by the Synod of the Circle ; therefore, in the mean time, as the latter is not yet in existence, by the Consistory. The members of this Congregational Committee (who must be at least four in number) must be thirty years of age, respected heads of families, and constant attendants on the Church and the Sacraments. The pastor is the president. The election is made by the qualified members of the congregation, from a list proposed by the Congregational Committee (proposed, in the first instance, by the pastor, the patron, and the churchwarden, under the direction of the superintendent) : at least twice as many names must be given as there are vacancies (§ 7). Nothing is said of the duration of the office—it must, therefore, be for life. The ultimate organization of the congregation will be established by the Church.

The members of the Congregational Committee have a share, which is not, however, defined, in the appointment of a pastor, probably a right of veto on the ground of doctrine and conduct. Beside this, they appoint the inferior servants of the Church, “where this does not contravene any already existing and well-grounded rights,” and represent the Congregation in its relations to the school, and the as yet non-existent Synod of the Circle.

Taken as a whole, the measure deserves grateful ac-

knowledgment. Carried out in the spirit of the Union, it is the necessary first step in an approximation to the Church as it is in the Rhine Provinces and Westphalia. Its results in the province of Prussia Proper seem to be gratifying; and it is the enemies of the gradual introduction of a congregational Church constitution who oppose the measure in the other Eastern Provinces. But as far as its practical execution is concerned, we learn from the documents already published, that several congregations have wished to hold aloof from this organization; and the local authorities are repeatedly urged to do all in their power to effect its introduction, without having recourse to coercive measures. The employment of coercion would certainly be most unfortunate where the object is to bestow a liberty and an honor. If a congregation persists in its opposition, we are told in the Edict of the Supreme Ecclesiastical Council of the 22d of July, addressed to the Consistory of Silesia, it shall provisionally remain in its former position. While some districts in Pomerania did not think their constitutional rights as Lutherans sufficiently guaranteed by this disquieting membership in a general Evangelical Church (Edict of the 11th November), some of the most highly esteemed pastors in Berlin (among them Jonas, Pischon, and Sydow) rejected the whole arrangement as unconstitutional. The latter gentlemen also censure the omission of the Holy Scriptures as "our sole rule of faith." The Supreme Ecclesiastical Council, in its reply of the 28th November, 1850, declares itself quite ready, if it is desired, to allow the insertion of these words. I confess that, though I do not share the sentiments of those estimable men, in so far as they reject the whole measure, yet I can not either regard the reply as satisfactory. "The Lord thy God is a jealous

God, and his glory will he not give to another ;” so we once learned in our Lutheran catechism. Belief in the Word of God can not be simply “inserted” amid the decisions of the councils and the damnatory formularies of the schools.

The three Œcumenical Creeds, at which those clergymen have also taken fright, are to the Supreme Ecclesiastical Council wholly inseparable. It, however, tranquilizes any scruples which they may entertain as to this condition of congregational membership, in the following manner—that is, in case any such scruples should practically show themselves :

“ We should, indeed, deeply lament it, should congregations be found who have fallen away from the foundation of the Confession. Were such, however, the case, we would not thrust them from us, if they did not separate from us of their own accord, but would willingly hold out to them the hand of Christian fellowship, in order to win them back to the Confession. To co-operate in this work, not by constraint of any kind, but by the zealous preaching of evangelical doctrine, and the faithful cherishing of even the weakest germs of Christian life, will be the blessed task of the Christian ministry.”

I must lament that belief in those three formularies should be taken as the standard of saving Christian faith. A man may accept these forms and yet believe nothing ; a man may be a truly evangelical believer of the National Church, and yet consider them to be only historical testimonies. Congregations have not “fallen away from the foundation of the Confession” because they do not feel themselves called upon as congregations to accept the three Œcumenical Creeds. Our forefathers, with Luther at their head, certainly linked their official Confession to the creeds of the ancient Church ; but always in subordination to the article of justification by faith, and the supreme authority of Scripture.

Let us now proceed with the examination of our official documents. They lead us next to the spring of 1852, and therewith to the first organizing Edict of the present King of the 6th of March of that year: the second Edict is dated the 12th July, 1853.* The papers of the administration possessing any importance for us, do not come down later than this latter date.

The King's second Edict was communicated to the Consistories on the 27th July, with the injunction not to allow it to be made public; it has, therefore, been printed only as a supplement to the Circular, and in small type. As we are expressly told that this second Edict is intended to guard against wrong conceptions and applications of the former, we must regard the two as forming a whole, and the provisions of the latter as our rule of interpretation. For this reason we begin with the King's solemn declaration in the Edict of 1853, which runs thus :

“It could not be my intention to disturb, much less to repeal the Union of the two evangelical bodies established by my father, now resting in God; and thereby to bring about a schism in the National Church.”

The accompanying declaration that the object of the first Edict certainly was to grant the Confession that protection within the Church to which its claims was unjustly questioned, finds therefore its defining limits in the maintenance of the Union; as it was established by Frederic William III. That which contravenes the Union can not be enforced as protecting the Confession.

Now what does the first Edict say on this point? It takes its stand first of all on the assertion that the royal founder of the Union never intended “that the Union should cause any transition from one Confession to

* See Appendices C and D to Letter X.

another, far less that it should bring about the formation of a new third Confession." The King, it adds, meant only to render possible a fellowship in the Supper of the Lord, and to unite both Confessions into one National Church. The words contain nothing in themselves contradictory to that view, which we have already derived from the records of the first founding and the whole after-history of the Union.

The fundamental idea of the King seems to me to be the maintenance of the Union of his father; that is, he takes, or rather retains as his object, the absorption of the two separate confessions into one homogeneous Church. The regard paid to Lutheran bigotry seems to me to flow from that benevolent disposition which we all revere in our Sovereign. He evidently thinks that a sick man must be differently treated from one in health. But it is not to be inferred that he wishes to see a congregation, that may chance to show more zeal than understanding, inoculated with the theological evil or the confessionalistic fever.

There is not, nor was there ever given, the most distant hint of an alliance or confederation of the two Confessions. Thank God! the people never for one moment dreamed that they should quarrel and fight to please some strife-loving pastors or theologians. They worked together wherever they could; the believing Christian thought much less of the distinction than the Rationalist. As little was the suppression of the two systems of doctrine discussed within the Union. It was merely taken for granted that a Congregation which joined the Union felt the harmony of the fundamental views of the Reformers and their positive doctrines and institutions strongly enough to cast their differences into the shade. Without this feeling, the Union does not exist at all.

Its essence is to make men at one with each other. And this oneness must be exhibited outwardly—that is, toward those who are without—by fellowship in the Lord's Supper, and in the polity of the Church. In so far as this living agreement in essential points involves, or rather expresses, a new relation of the various points of doctrine to each other—certain points being recognized as essential in comparison with divergent methods of teaching on other points—the Union might be called a new Confession. But if this should be interpreted to mean that the Lutheran and Reformed Confessions have essentially ceased to exist because of the Union, this would be to destroy the very thing which we are told it is intended to secure. For that which in both is acknowledged to be essential, is not to be so much as weakened: it is to be strengthened, and strengthened in a double manner. First, because the testimony of two independent witnesses to a truth is stronger than that of one; secondly, because that which is essential gains a stronger, more vigorous, more active life when it is parted from that which is later, non-essential—therefore, to some extent, the accidental addition of individuals and circumstances. But in the present case, many since Melancthon had felt that there was much which was non-essential; and even Luther, toward the end of his life, did not deny that he had gone too far in the doctrine of the Sacraments. Throughout the Prussian dominions, even long before the Union, no clergyman on ordination was ever bound unconditionally to any Confession; but a conscience-saving clause was always added, “In so far (*quatenus*) as it is agreeable to Holy Scripture;” thus limiting the assent to what was essential. The Union, therefore, gave more positive doctrine than it found; and the United Church, so far from being

destitute of a Confession, possesses one of increased stringency.

The King's endeavors, however, are directed against those who by their very appeal to the Bible set themselves above the Bible, and would look upon the Union as a deluge destined to sweep away all confessions whatever. Thus are we to interpret the occasion and the meaning of the Royal Edict. Evidently, therefore, the King's aim could only be to act in this spirit when he bestowed the Royal sanction on certain proposals of the Supreme Ecclesiastical Council with regard to the practical application of these two rules. The report of the 19th December, 1851, to which the royal Edict of the 6th March, 1852, refers, has not been published. The three proposals which the Edict sanctions are as follows:

I. *The Supreme Ecclesiastical Council shall protect the rights of the Union as well as those of the two Confessions.* After what has been given above, we understand this, not as intended to maintain the equilibrium between the Union on the one hand and the two Confessions on the other, as between two hostile powers—for in the Union there is no equilibrium, but simply *union*; but we understand it as referring to the equality existing between the Confessions themselves, and their common protection against a rationalism which would be the curse of the Union.

II. *The Supreme Ecclesiastical Council consists of members of both Confessions who can conscientiously approve the co-operation of members of the two Confessions.*

III. *In confessional questions the votes shall first be taken of those members who belong to the particular Confession concerned, and their decision shall form the collective basis of the resolution.*

It must then be the practical execution of these administrative principles proposed by the Supreme Ecclesiastical Council and sanctioned by the King, which has produced such undesirable consequences, called out complaints, excited the King's displeasure, and thus led to the second Edict of the 12th July, 1853. Our next and most necessary step, therefore, must be to examine the measures of the Supreme Ecclesiastical Council during the interval between the two royal Edicts, by the help of the published "State Papers." That since that admonitory Edict, the Supreme Ecclesiastical Council has altered, as far as possible, the course on which they had entered, can not be doubted. We know, however, from the best sources—from Stahl's Oration—how far he has been carried by the view of the subject which he adopted. That the uneasiness and apprehensions of the country have not ceased is also no secret. On whom does the fault chiefly rest?

It is clear that the greatest circumspection was necessary in carrying into execution the Royal Edict of the 6th March, 1852; particularly with regard to the third point contained in it. For, otherwise, how could the government of the Church be distinguished from that over two, not united, but merely allied, Churches, standing side by side with a United Church, which formed the exception? Nay, even in the old German Empire, the Catholic and Protestant members voted together, except where the matter before them related to contested points of religion; but no one ever called this a Union. But what was more to the point, this, in substance, was the general practice long before the Union subsisted, wherever a Consistory directly subject to the Crown held supremacy, and governed both Confessions as far as was practicable.

But what is to be done if one and another of the members should declare that, as a United Evangelical Christian, he belongs to both Confessions? According to the view which appears to us alone tenable, this was the only correct answer. In case of such a declaration, however, unless all joined in it, the only practical way of coming to a decision would seem to be that such a Union-member of the Council should vote in all cases, the others (who, properly speaking, ought to have no vote at all) only as representatives of the Confessions concerned.

Lastly, this regulation was, at all events, a mere experiment. If in practice it encountered difficulties, if it even threatened the stability of the Union, the part of the Supreme Ecclesiastical Council (as it appears to me) was either to recognize that the whole conception was a mistake, inasmuch as it could not be carried out without destroying, or at least shaking, the Union; or, at all events, the Council should, in consideration of these results, have obtained from the King fresh rules for the conduct of their proceedings. But we hear nothing of any steps of this kind; while we are well aware, from Stahl's speech of the 29th March, "THAT THE UNION AS A CONSENSUS IS THE EXCEPTION IN PRUSSIA"—that is to say, in plain language, that the Union forms the exception in the United National Church *as governed by the Supreme Ecclesiastical Council*, or rather as thoroughly reorganized since 1850. But, unhappily, on the 14th of July, Stahl's programme of 1849 triumphed. The following is all that is communicated to us by published documents concerning the decisive point of the manner in which the first Edict was carried into effect.

It was communicated to the Provincial Consistories

under date of the 10th May, and the corresponding instructions followed on the 12th. In these, also, the members of the Consistories were called on to distinguish themselves as Lutherans, Reformed, or Evangelical (*itio in partes*); and, as far as I know, with very dissimilar results.

The answers sent in by the various Consistories, and the practical results that ensued, are well known from the numberless communications in the public prints; and we see, from the King's second Edict, that scarcely a year had elapsed before such numerous complaints, grievances and apprehensions had arisen, that the King thought it high time to withhold no longer from the Supreme Ecclesiastical Council the expression of his displeasure. This Edict speaks in severe terms of efforts in behalf of the separate Confessions which were undermining the order of the Church; nay, declares that "instances are said to have occurred," where "Synodal Assemblies, nay, even individual clergymen, have resolved to renounce, on behalf of the congregation, the title of an Evangelical Church and the use of the Union Liturgy."

But even what we learn from the published transactions of the Supreme Ecclesiastical Council, gives us a glimpse of the perilous conjuncture to which Stahl's view had led in carrying out the principles sanctioned by the King, and the great embarrassments which could not fail to ensue to the King and the country.

On the 14th of July, 1852, the President von Uechtritz called upon the members present to declare, "in which of the two divisions they would vote in case of confessional questions being brought before them?" Dr. Stahl had proved the necessity of this question in a juridical memorial.

The President and five other members (Bishop Neander and MM. Strausz, von Mühler, Twesten, and Richter) declared themselves Lutherans, but with the addition, "in the sense given to that term by his Majesty's Cabinet Order of the 28th of February, 1834." With the same addition the Chaplain-General Bollert, and Dr. Snethlage declared themselves of the Reformed Church. Stahl was the only one who refrained from this, to some extent, satisfactory addition. He declared unconditionally, "I declare myself a member of the Lutheran confession." That is as much as to say (as the *Evangelische Kirchenzeitung* also remarks), "I choose to sit in the Supreme Ecclesiastical Council as a pure Lutheran."

In October, on the death of Dr. Ehrenberg, who before the Union had been a member of the Reformed Church, his place was filled up by M. Cappell, who, originally of the Reformed Church, *had gone over to the Lutheran Confession*, and who made the same unconditional declaration as Stahl. This was, in fact, a victory, and a very remarkable one for Stahl.

But we have not yet spoken of the man who is almost universally throughout Germany considered as the first of Evangelical theologians, whom the country honors as a liberal citizen, and on whom the king has since conferred the most distinguished post in the Church, in appointing him Provost of Berlin. Before the sitting of the 12th July, Nitzsch had made a written declaration "*that he belonged to both Confessions; that is, to the Consensus of both.*" Not only does such a declaration fail to surprise us, but, as we have hinted above, we are unable to imagine any other equally good. But we are surprised at the decision which followed upon it; namely, that for the future Dr. Nitzsch should take no

part in the decision of confessional questions. That he himself should have expressed a wish to take no part in them is very natural. He knew what was the point in question—namely, the Union: and what was the object of those confessional questions—namely to shake it. For the present mode of conducting affairs could not but expose the Union to great dangers, however it might be desired to maintain it intact.

Practically, this measure simply means that the Lutherans should decide whether the Union Liturgy and Constitution endangered their Confession or not; which was to subject the Union to a severe test. The fundamental principle laid down, was that the Union should be maintained in the sense attached to that term by Frederic William III. Thus, the more fitting mode of carrying into effect this regulation of the first Edict of the present sovereign, would have been that the Lutheran members should have discussed this point among themselves in the first place, but that the others should also have been allowed to express their views as freely on the subject as though no previous discussion had taken place. Thus it would have been possible that a Resolution quite different from that of the Lutheran majority should be passed, or laid before the King for his sanction.

Unfortunately, this was not the course adopted. All the Consistories were required to declare themselves Lutheran, Reformed, or United. The measure proved abortive in practice, owing to the good sense of many of these boards. In most, it remained a dead letter. It is said to have done so in the Supreme Ecclesiastical Council itself. Dr. Gröber, the venerable Superintendent General of Westphalia, returned the same answer as Nitzsch. But the system remains, and may sooner or

later be carried into effect. From their own confessions, we know what is aimed at by a certain active party. It can not but be regarded with indignation, even by one who should not regard the whole proceeding as fundamentally incompatible and at variance with the maintenance of the Union, and thinks that the Supreme Ecclesiastical Council ought never to have proposed such a measure to the King. And the proposal itself, still more the way in which it was practically carried out, up to the issuing of the second Edict, must be deeply regretted even by those who do not perceive that its motive was to obtain, by its practical working and the choice of persons for appointments, that which would never have been obtained from the King by direct means—namely, the surrender of what so many millions call the Union.

Dr. Stahl seems really to have succeeded in raising to supremacy that system which Richter delineated in 1849, and whose organ our acute opponent had constituted himself.

An important State Paper, dated the 7th of July, 1853, and entitled, "Edict addressed to the Consistory of N.," affords us some insight into the intended application of this mischievous dissension-sowing regulation. The question concerns the use of the term "Evangelical" to designate the congregations of the United Church, according to the usage established by Frederic William III. in his Edict of 30th April, 1830, and the circular of the Minister for Ecclesiastical Affairs issued on the 5th of May in the same year. Now we have seen from our historical survey, that this title, without any addition, is the one legally established. The project of the Ministry in 1817, recommended the disuse of the more precise designation of Evangelical Lutheran,

or Evangelical Reformed. From this Dr. Stahl draws this conclusion :

“That the title ‘Evangelical,’ besides denoting the acceptance of the Union ritual, presupposes a special act, although unconnected with any prescribed formality. Thus, the fact that a congregation is United, must, in the first place, like every other fact, be certified by authentic documents.”

I confess that such a procedure seems to me almost as unintelligible as it is illegal. For the Edict in question expressly recognizes that the simple designation as Evangelical has been since then often employed in State papers as synonymous with United National Church, and is so in the most important royal Edict of the present reign, the General Concession of the 23d July, 1845 (the act granting toleration to the separatistic Lutherans in Silesia), and the patent of the 31st of March, 1847, as well as in Article XV. of the Constitution.

This title, is, indeed, still to be preserved as a rule except when a more precise definition of the Confession is necessary for identification, or on account of the relation of the title-deed to the Confession, *or in case the use of a particular confessional title should be proposed by duly qualified persons.*

But the whole question should never have been raised at all. Not all the congregations had, like those of the Rhenish and Westphalian Church, made an official affidavit of their acceptance of the Union; probably it had occurred to very few that any distinction existed between the acceptance of the Union and the adoption of the title “Evangelical;” they acted on trust. Now the ashes of Frederic William III. are again disturbed; but it is further clear that with the help of those two clauses it would be easy throughout the country to find

a legal ground of questioning the very thing itself that is the Union. Have not the patron and the pastor certain legal rights? and can not the President of the Consistory, and the Supreme President of the Province, and all the Provincial Councils, work toward this object? nay, are not those among them obliged to do so who regard the Union as a misfortune?

What the practical result of this procedure is, we are told by those words, which, though Stahl places them in a parenthesis, in the midst of a long note on the Union, are weighty indeed:

“The Consensus is the exception in Prussia.”

Once more I repeat, this necessarily means—“THE UNION IS THE EXCEPTION IN PRUSSIA, IF THE CLAIMS OF THE SEPARATE THEOLOGICAL CONFESSIONS ARE TO HOLD THAT RANK WHICH IS ASSIGNED TO THEM BY DR. STAHL.”

A SUMMARY

OF THE RESULT OF OUR INQUIRIES WITH RESPECT
TO THE STATE OF PROTESTANT CHRISTIANITY IN
PRUSSIA AND GERMANY GENERALLY.

THE history of the rise and progress of the legal conditions of the Union, from 1817 to 1853, lies before us, my honored friend. Judge of it for yourself.

Even if some isolated facts may be adduced against our view, the attempt to make the question of the Union dependent upon the confessional preliminary question is a failure, and has done harm. Lutheranism has been sown—the seed has sprung up and yielded a harvest of fanaticism. Provincialism has been planted, and lo! division shoots forth! Confessionalism has been favored, and behold the Union is shaken to its foundation! Our rulers have acted upon Stahl's declaration of 1849, that the thing needed was protection for the distinctive Confessions which stood in jeopardy, and lo! the Union Church threatens to fly asunder in three pieces; so far at least as the administration of affairs by the Supreme Ecclesiastical Council has power to effect such a result. It reminds one of the deep prophetic saying, "For they have sown the wind, and they shall reap the whirlwind." (Hosea viii. 7.)

From this present mode of managing our ecclesiastical affairs, no good result is to be hoped, notwithstand-

ing the evidently excellent intentions of the King, and the Christian wisdom and experience which are found collected in the Supreme Ecclesiastical Council, and to which I gladly pay the meed of my sincere admiration.

The King alone, who can not but know the facts of the case, and who has shown his wisdom in the Edict of 1853, may still find the means of averting the evils which menace us. It is not too late. Nay, the present seems to me a most favorable moment, from those very signs of the times which we have been engaged in contemplating. The hopeful and pregnant germs which we have discovered ought to inspire courage: the grave and threatening facts cry aloud for a prompt right royal course of action. Misconceptions exist—mistrust has been conceived—anxiety fills faithful hearts and thoughtful minds—the departments of the ecclesiastical executive are divided and perplexed—the theological faculty at our universities is paralyzed, and knows not which way to turn—while the divinity students and candidates are sinking lower and lower in point of intellectual culture, even as compared with the Catholics. But all as yet is capable of remedy.

The years 1848 and 1849 have awakened within our Church germs of life that are rich in blessing; men's hearts are longing more than ever for evangelical Christianity and united congregational action. This sentiment, as it seems to me, is the lever by which to operate. Let the authorities in the first place cease to ask, when a man presents himself as a candidate for the office of schoolmaster, still more that of pastor, "Are you Lutheran or Reformed?" but simply inquire who is best fitted to be useful in the office to the congregation of a United Church. The Union Confession is incom-

patible with a disruption of the Church into three bodies standing on a footing of parity. All that has been said in this sense, and all the efforts that have been made in this direction by the administrative authorities, must be regarded as an error, and, as such, set aside. How this may best be accomplished must be left to the royal sagacity to decide.

The second point, on which much will depend, is to make it perfectly clear how the scrupulous tenderness of two pious monarchs for the two Confessions of the sixteenth century could be perfectly satisfied without, in any respect, paralyzing, still less dissolving, the Union. The Lutheran embodiment of the common evangelical type has already, I think, secured to itself full freedom; but if this be anywhere wanting, let Lutheranism have all that it demands, on the ground of universal religious liberty: with one exception, viz., that it is not to replace a positive by a negative type. Let it refuse, if it will, to receive the seal of the Union; this is not, and never will be required of it. But let those who do not think they can uphold the saving faith in its integrity, without refusing communion to the Reformed, on account of their differences—those to whom the “ultimate end—the perfect fusion of both elements,” is an abomination, seriously consider whether theirs is a truly evangelical temper of mind; and if they in their conscience find it so, let them depart in peace.

The process of mutual fusion has its lowest as well as its highest stage, from the mere recognition of the Union through the common celebration of the Lord's Supper, and the unity of organization and discipline, up to complete fusion through the positive working out of common doctrines; but no boundary line ought to be drawn between these two points. One congregation may with its

pastor restrict itself to the use of Luther's Catechism ; another to that of Heidelberg ; a third may (as is often the case) use the smaller Catechism of Luther for the younger catechumens, and that of Heidelberg for the more advanced ; or, finally, prefer to both, the organic fusion of the two which has just been framed in Baden. It is the same with the Liturgy. Its general type is already thoroughly Lutheran, and not Reformed. If it should ever be delivered from its present crippled and half-developed condition, and made really congregational, it would not only be brought nearer to the Reformed, but also to the Apostolic, and therefore truly evangelical Church, and thereby to the fundamental idea of Luther.

But as regards the third element, the constitution of the Church—therefore, in the first place, its government—every division according to Confessions is an intrinsic contradiction of the Union ; and if so now, under the dictatorship of the Supreme Ecclesiastical Council, it would be still more the case in the free constitution of an independent Church, such as we are aiming at. The Union is a communion in worship and in congregational life, or it is nothing. Christianity itself presents the example of such a union in its first beginnings ; for we find Jewish Christians and Gentile Christians—followers of Peter and followers of Paul. All finite life, spiritual as well as natural, proceeds from the close intertwining of opposite conditions, from the play of two opposite poles. The opposition between Luther and Calvin vanishes in the Gospel, as that between Peter and Paul does in Christ. In this manner we might see the principle verified which has been propounded above : *“ Toleration for all, even for the Intolerant ; but not for the Intolerance of such as are exclusive on principle.”*

But liberty is the condition divinely attached to the solution of antagonisms in history. The banner of perfect religious liberty is the *sign* in which the truly Christian State will be victorious—the truly Evangelical Church will triumph. This liberty will teach the Christian Government to take up the proper attitude at once toward the Christian people and the hierarchy. This, and this alone, affords any possibility of escape from our present perplexities.

But in order to have any real vital efficacy it must not remain a shadow, but become a practical truth. A free Church with a consistorial polity as its final form is a self-contradiction; a synodal or episcopal Church broken up into districts governed by superintendents has no living energy. We do not want bishoprics but Churches! But that these Churches may be able to govern themselves, let a bishop, appointed for life by the Synod, stand at their head. It was, no doubt, the proper course to take in preparing the way for such a free type of the Church to begin with organizing the local congregations. But, at the same time, the final aim—namely, the freedom of the whole Church of the future—ought to be set before the Congregation and their elders in unmistakable terms. No really beneficial progress in the organization of the Church can be looked for unless the summons to the people find a ready echo in hearts filled with joyful and spontaneous life; and how is this possible if they are uncertain and doubtful as to the object in view! The aim of Stahl's programme, for instance, or at least its inevitable consequence, would be slavery under the delusive semblance of freedom.

It is not by such a path, nor by following the word of such prophets, that we shall attain that which was

the declared and constitutional aim of the King—self-existent congregational Churches, that is to say, independent well-organized communities capable of governing themselves. This is the true aim; but the necessity of placing and keeping it before the eyes of all is yet more urgent now than in 1850. It is the bounden duty of our rulers to declare their intentions by whatever mode is most unambiguous and most calculated to inspire confidence. It can not be overlooked or forgotten how the articles of the Constitution affecting this point have been carried into practice by one of the most influential members of the Supreme Ecclesiastical Council, who is, besides, the organ of a still more influential party in Church and State. The recommendations of his published report would point to a permanent governmental machine worked by the Cabinet and the Royal Supreme Ecclesiastical Council, to which all Protestant Christians should be yoked as to a triumphal car—and this in the name of Christ, to God's glory, and under the title of a free, self-governing Evangelical Church! It is important to do away with this impression, for it has a very mischievous influence. Under any circumstances, congregational action requires great self-sacrifice, as does all true freedom. Who will undertake it without knowing to what end? without feeling that his efforts are duly rewarded by the independence secured to the whole Church, and to his own particular sphere? And how is the further and permanent development of the Church conceivable without such a sense of security?

The first necessity is that the congregational bond should lead to a wider ecclesiastical bond, that of the Church diocese, as we have hinted above. An independent union of churches—the diocese of the ancient

Church—presupposes an independence in the existing spiritual and external means. The council of such an Episcopal or Congregational Church must, generally, have its seat in the city which forms the center of the Union.

I proved, as I think, in 1848, that in the six ecclesiastical provinces into which Prussia naturally falls, there are, at most, not above sixty such towns—ten in each. But a third of this number is sufficient, and would be more practicable. Thus, besides the six university cities, we should need only fourteen considerable and wealthy cities. But as I have shown above, if our governors persist in dividing our National Church into circles—that is to say, small unions like our present nearly four hundred superintendencies—either they really do not intend that the Church should be independent, or they expose themselves to such an imputation. For such small unions can not act for themselves, but require guidance from the superior authorities; and whence can this guidance come from but the Cabinet or the Supreme Ecclesiastical Council? Synods can neither govern nor administer.

The apostolic character of the Congregation consists in its independence. It does not consist in this or that arrangement of officers, but in the freedom from interference by officers external to itself—thus in deciding for itself on important points. The mixture of a free synodal constitution with a consistoral executive government, accepted by the Synod of 1846, is an error, if regarded as permanent. With some, the acceptance of the scheme was a compromise agreed to in despair as the only one that presented itself: with some it was the result of political immaturity. Nothing is accomplished in the long run by the resolutions passed in mere de-

liberative assemblies; it is felt that the executive government must be connected with the Synod—that the administration must be in the hands of the Congregation. Above all things it is necessary to take for granted the capacity of each individual Church for self-government, on the ground of the common sentiment of its members. In spite of all its defects, the episcopate of the primitive and of the Anglican Churches is strong in itself, and in the hold which it has upon men's minds by reason of its independent character; and the true apostolic consecration of the Bishops does not lie in any imaginary apostolical succession, but in their official independence toward the secular power, even more than toward the laity and parochial clergy, and in their possessing in the Church revenues the means of maintaining their independence.

Moreover, it is most imperative that securities should be given with regard to these sources of revenue; for the Protestant National Church does not possess a penny beyond its purely parochial necessities. The expense of the Synod weighs upon the congregations. If the Government took a frank course of proceeding, they would find no difficulty in obtaining such means from the House of Representatives. The Catholic party could not vote against that which they are demanding for their own Church. The measures required lie patent as soon as we tear asunder the meshes of the sophistical net in which the subject has been wrapt up in Stahl's report and the papers connected with it, in order to make the whole affair unintelligible and untangible.

Let the laity be told that the Synods are to stand above all Bishops, as the whole is superior to the individual. But above all it is indispensable to set men's consciences at rest by giving them an authentic and un-

ambiguous assurance that there is no intention of imposing on the Church any rule of faith, or ultimate standard, but the Word of God, as understood by their living consciences. According to the fundamental idea of Protestantism, there is no "revealed truth" for the Church but in the Bible; there is no expounder of this truth but the Spirit which is given to the Church; there is no final aim but the realization of the Divine in the Church, that through her the kingdom of God may be built up. The Lutheran type of the hierarchy is the most narrow-minded and unfruitful of which history furnishes an example. The Union has, for the first time, rendered that possible in Germany which was done for England three hundred years ago by the Common Prayer-book, although not in a form that is absolutely typical and of universal applicability. With us in Germany the Spirit of God working in Luther, and in that popular mind on which his mantle fell, had already begun to bring about this Union by our unique treasure of sacred poetry, the Divine Iliad in Hymns, the unbroken succession of the Divine inspiration of the German people concerning the world's history; but they lacked the seal of a common worship and a common organization.

Thus what we want is more of Luther's spirit, but no modern Lutheranism! No new papacy in England! No State Church in Holland! Let us not be entangled amid the icy bonds of old forms, and frozen into the rigidity of death! The Spirit impels us to look back to the Church of our forefathers with fresh love, that we may drink into their spirit, but not that we may erect into a new law the letter of institutions long since defunct.

So, too, we want more of a confession—yea, more

than a confession. The solemn and sanctifying vow of the Christian people organized into a Church, the vow of the Congregation, is the highest and final form: a vow pledged in the midst of the realities of life, and affecting those realities. But we want no new theological dogmatic Confession as the banner of a denomination, were it even the best I know, that of the Berlin Synod of 1846.

So, again, we want a beautiful form of public worship for the Congregation, but no Agenda in the hands of the clergy alone; nor yet modern arbitrary and artificial forms of devotion. We already possess general forms of public prayer, and should, and shall frame for ourselves yet more perfect ones; forms which are simpler, profounder, and speak more to our own souls.

Now the final end of all public worship is adoration, and the beginning and end of adoration is the Christian vow: whether it be the general vow contained in the believer's earliest vow in baptism, and in the communion of the Lord's Supper, as also on occasion of birth, death, and burial; or whether it be the special vow of marriage, or entrance into the office of the ministry, or any other occasion that may call for the sanction of the Church. The vow is the spontaneous—therefore the Protestant—element in the Divine life of the individual as of the Congregation. Such terms as baptism, confirmation, ordination, only express what is special and subordinate; the outward sign and seal added to the vow would be unscriptural and unreasonable without the previous voluntary and conscious promise. Many of the forms prescribed in connection with these rites are the mere remnants of the mediæval transition-era (with its passive rather than divinely active conception of faith), and tainted by a priestly spirit. Thus in the arrange-

ment of liturgical questions, which are now taken up in such an arbitrary and piecemeal manner, and generally with such want of intelligence and utter absence of tact, the leadings of God's Spirit point to the revival of the consciousness of the vow, its intellectual development and congregational application. But the end and aim of all vows and adoration is not to be found in themselves, but in their practical fulfillment in life through the faith that worketh by love—not by zeal which easily goes astray, and often leads to sin, but by brotherly love, the fruit of thankful love to God.

To sum up all that we have said in a few words. The Christian's life finds its divinely appointed and permanent sphere in the practical following of Christ in the family, the Church, and the State; and its aim and object is the development of a free, conscious moral personality, or of the spirit. The most beautiful of all Divine services is a life well-pleasing to God; and in that, too, it is not the works but the spirit that is the essence; how much more so in adoration! Every thing rests upon the Ecclesia of the Bible and the Bible of the Ecclesia! But the root of the Ecclesia and her Divine life is personality—that alone is an end in itself.

THE CONCLUSION.

THE SIGNIFICANCE OF THE TWO SIGNS OF OUR TIMES.

The Feast of St. Michael the Archangel,
29th September, 1855.

“Und Stürme brausen um die Wette,
Vom Meer auf's Land, vom Land auf's Meer,
Und bilden wüthend eine Kette
Der tiefsten Wirkung rings umher.
Da flammt ein blitzendes Verheeren
Dem Pfade vor des Donnerschlags;
Doch deine Boten, Herr, verehren
Das sanfte Wandeln deines Tags.”

So sings the high Messenger of God, the Angel of Judgment, contemplating the magnificence of the works of God; and as he perceives the wisdom which has ordered all things, he exclaims, worthy of the name he bears, “Who is like unto God?” You and I, my friend, at all events, think that the great poet on whose natal day we commenced this our last discussion, has in his prologue to “Faust” made the Archangel speak in a manner not unworthy of his name. And at no unfitting time for us, as it appears. Yes, indeed; storms are raging more wildly than ever—

“Vom Meer auf's Land, vom Land auf's Meer.”

Many a meteor shoots in its fiery hissing track from east to west and west to east; and as they gaze on these

things, men's hearts are shaken with restless suspense and dark forebodings. The end of lawlessness, and brute force, and disorder, is at hand. The end of all hypocrisy, of all attempts to patch up corrupt and worn-out systems is at hand! Nothing but the True can save us; nothing but that which is of Law can renew its youth, and stand its ground against conscious lies and might which has been worshiped as right, whether it be that of peoples or of princes. Many have wished to be as gods, and the reward of their crime is at hand. God's judgment draweth nigh; whether we say with the other great poet of the German Dioscuri—

“Die Weltgeschichte ist das Weltgericht,”

or whether our thoughts turn rather to the end of the world—at least, of all the glory of Europe—or whether we, as is surely wisest, believe both in the one and the other.

Our reflections set out from a little spot in the present; and, under the leading hand of facts, have traveled to and fro along the path of centuries. Our reflections rose in solemnity the deeper we penetrated below the surface of our present condition, and examined its foundations. We found nothing less than a struggle for our highest blessings—a struggle for life and death, yet a warfare to be carried on by moral force and intellectual weapons. And a warfare which admits of no procrastination! But too forcibly does the state of the world remind us of the significance of this day in the Christian year. Most vividly rises up before our eyes the goal of all mental development, the touchstone of the vitality of all those phenomena of the present which have passed in review before us. Freedom of conscience, the Ecclesia, Personality—these three remain to us God's ministers

for our spiritual and social life ; in opposition to oppression of conscience and persecution, to mental servitude and brute force.

The way of deliverance lies in faith in the eternal and Divine truth of that which we know, we need, and we aspire after ; above all, in faith in Personality as the likeness of God in man, as the all-conquering and the reproductive element in humanity, as the aim and end of creation and of life.

But this faith in the Divine element of humanity is not to manifest itself as a zeal which hates and persecutes, but as the love that beareth all things and believeth all things ; it is to be fearless, active, self-sacrificing, unsullied by impatience or passion. We are to believe that the True will conquer, as certainly as the physical universe stands before us in its orderly magnificence ; as certainly as the spiritual universe unfolds itself to our mental vision in the world's history. Evil falls by its own weight, struck down to the abyss by the lightning-flash of eternal love, piercing the ether of the spiritual Cosmos.

Ought we to find this hard to believe ? Does it not flow irresistibly from the facts of our consciousness, of history, and of the world around us ?

If it be true that free life in the Ecclesia is the divinely-given form of the operation of Christianity in man, and that Personality with its free moral self-determination is the root from which the life of the Church proceeds, must not the final aim of all the temporary developments of the Christian Church be the birth of that personal Spirit which is truly and in itself the Immortal Element ? He who refuses to accept this truth from Christianity will find himself forced to accept it by philosophy, and *vice versâ*. The birth-throes are

called by us mortals, life; the real birth, death. Nothing else is an object in itself. Neither Congregation nor Church, Family nor State, art nor science, nay, not even the holiest exercises of piety, are an end in themselves, but only serve as means to the great art of life—the birth of eternal life in the human soul, the invisible child of God. Self-love, the strongest energy of natural life, is nothing but the perversion of the Divine impulse striving to give birth to the personal, self-conscious spirit. But this consciousness does not rest essentially on the dialectic activity of the understanding, but on the moral energy which may grow and come to perfection without learning or intellectual apprehension. True science and intellectual apprehension will be developed out of the moral force, where such is the soul's destiny, and it is called to a higher vocation; especially where false science and a semblance of knowledge are widely spread, and mental culture is universal. But the true knowledge is the knowledge of the Divine order of the world, of which Christ is to us the center, humanity the aim; and the mystery of which slumbers in every human soul that is seeking after God. The key that unlocks the significance of the world's history is the knowledge of the realization of the Divine in the development of humanity: in that building of that temple of God which is raised of the living stones that with conscious personality freely join themselves together. And in this knowledge alone can we discover the key by which to interpret those hieroglyphics of eternity which we call the Signs of the Times.

In our present rapid survey of the condition of the world, I have endeavored to characterize and interpret certain phenomena of the present. I am conscious of the imperfect manner in which I have fulfilled my task,

but equally so of the truth of my fundamental view, and the certainty of the general result. It is realities, not the creations of our imagination, upon which we have been fixing our eyes; we have adduced decisive and incontestable facts, and while endeavoring to understand their historical connection, we found a startling unity recurring through their manifold variety.

In the harmony pervading the phenomena of the last few centuries, and again of our own times, and in the ease with which the great questions of the day may be solved from this point of view, consists the palpable proof of the truth of the results to which we have been led. The urgent questions, amidst the excitement of which we are living, will be brought to their issues, of more or lesser import, by individuals or nations, in the lapse of years or centuries, according to the great destinies of humanity; but not according to the selfish will of any human being, the bidding of any arrogant potentate, or the purpose of any overbearing people; but simply and solely in accordance with the eternal law of God's moral government, and by virtue of the moral, heaven-sprung energy whose resistless might brings all things into subservience to the kingdom of God. The world's history, contemplated from its center, is not only the mother of the future, but its prophetess—its true Pythia.

Of the two great signs of the times, with the contemplation of which we began our survey, one is in its ascendant, the other verging toward its setting. The Spirit of Association, with its liberty, is the genius and the dæmon of the dawning day; the Hierarchy with its tyranny is the waning planet of departing night. It is not Hesperus but Phosphor which is shining in this twilight of the gods. Nor have the heavens but just

begun to glow with the crimson belts of Aurora, nor is this the first moment in which the light has flashed from east to west across the world's path. The same constellation ruled the sky when, seven years since, the hierarchy, impelled by the sense of its coming death, leagued itself with the spirit of association as it did once with secular absolutism. It sought for strength where it saw the power to lie; but its selfish eye failed to perceive that this was the very power from which it was destined to receive its death-blow. The more powerful grows the spirit of association, the more self-evident becomes the antagonism between the hierarchy and freedom. For freedom of conscience is the sole vital air of humanity, and the cradle of true personality; and this freedom, the mother of every other freedom, can not endure the hierarchy forever. The God of the Cosmos has risen up against that hierarchy. Thus darkness and light are struggling in the light, force and freedom in freedom.

I am not speaking as a Protestant in contradistinction to my Catholic fellow-citizens, or even to the Catholic peoples in general. They and we are journeying by separate paths toward the same goal; but as to what this goal is, we are philosophically and historically at one with each other throughout Europe; we with them and they with us. It is legal religious liberty with its consequences. The Germanic and Romanic nations have in apparent hostility begun their course from opposite ends of the compass. With us the movement has begun on the territory of religion, and has advanced from this ground to the region of politics; they, however, made their first steps on the field of politics. Freedom of conscience and religious peace is what we all desire, especially in Germany. It has, undoubtedly, been a cause of sorrow to many a heart among us, that our

Catholic brethren have not been able to join us in celebrating this week the third Centenary of the Religious Peace of Augsburg, for which we solemnly gave thanks to God in all our Christian assemblies on the past Sunday. I feel sure that not a single Protestant preacher, nor a single congregation will have referred to that event in an arrogant tone of triumph; for that peace accorded to us but a precarious existence, which was not changed into a more secure position until after a civil warfare of thirty years had been terminated by the Peace of Westphalia, in 1648, and that with many losses to the Protestant Church of Germany; That Peace secured to Protestantism only a subordinate rank, which was first changed into that of equal brotherhood before the whole world in 1815. So long as that Peace continued to be the basis of our legal right to exist, the recognition of us by the law bore no proportion to our intrinsic and permanent power. Thus for two hundred years its anniversary offered us nothing but a sorrowful remembrance of a past age full of bloodshed and devastation, and a faint dawning of freedom of conscience. Still we dwelt willingly and with thankfulness to God on the memory of this day; and why? Because that peace was the first recognition, reluctantly extorted and ill-observed though it was, of the saving principle of liberty of conscience and free personality.

The sorrowful feeling, therefore, which I hear expressed on every hand is not unnatural; still, it ought not to make us unjust and mistrustful toward our Catholic fellow-citizens. The Catholic laity is, in the eye of the Church, utterly destitute of rights, and is now, like the parochial clergy, more than ever made the mere passive instrument of the bishops; while the latter again are more than ever prostrate under the unconditional

supremacy of the Pope, who enforces the absolute canon law. Now, from the beginning, as Ranke has proved by the documents extant, the Pope has always protested against the religious peace of Augsburg, as an impious surrender of the Divine rights of the Church; and hence our Catholic brethren find themselves in such a position that it is impossible for them to share our patriotic feeling, or to celebrate an event which brought peace, and set bounds to religious hatred, with any thing but a sorrowful, or, at most, silent remembrance.

Now, as I have dedicated these letters to "eternal peace," I will, before concluding, touch upon that point which more than any thing else threatens to disturb religious peace through all time, not only in Germany, but throughout the world: I mean Jesuitism. Many persons, in other respects at once able thinkers, candid men, and trustful believers in God's providence, believe that the peace of the world can be secured on no other terms than the expulsion of the Jesuits by all Protestant governments and peoples, and their exclusion from the universal principles of toleration. I myself do not underestimate the worldly power and importance of this fearful Society, and have unreservedly expressed my views as a politician concerning the point of law, and the only right mode of treating this subject. So much the more do I consider it my duty on the present occasion, setting aside all theological matters, and passing over the historical arguments that have been a thousand times repeated, to discuss the subject from the point of view to which we have now attained.

We start from the most secure and unassailable position. If that be true which we have said of person-ality when summing up our results, its necessary consequences are also true. If on every side we are met by

proofs, derived equally from thought and from historical fact, that moral personality is the image of God in man, the annihilation of personality can lead neither individuals nor nations to salvation, but must conduct both only to perdition. If moral personality is an end in itself, if the training of men to personal independence—that is, to free self-determination and true freedom—be the end of creation, as it is the inmost fruit of the counsels of eternal love, and be thus the final aim of all human education and social life, a system can not be true which destroys personality. God needs personality to accomplish his work in the soul; he who kills that principle destroys, so far as he is able, the Divine element in the soul. A system of such destruction, of such “obedience unto death” unto human beings, must work for evil, whether it rest on delusion or a conscious lie.

The imperfection of the existing conditions of Christendom during the rise and development of this system, explains how it was possible that a society founded upon it should become mighty, and regain power so rapidly after its restoration. But it can not and will not be able to maintain a protracted existence in the present circumstances of the world, with the gravity of the times, and the inward character which religion has assumed, or is striving to assume. On this subject, the passionate exasperation of implacable hatred to wrong and falsehood is at one with the truly Christian sentiment of respect for humanity, and the honest striving of peoples and churches after truth in our ecclesiastical and civil polity.

The natural course of events would therefore be, that the overthrow of Jesuitism should proceed from those peoples and States which are ecclesiastically connected with Rome. In them the Order is at home, and exercises the power of a native potentate. But in those

countries it has been arraigned and condemned; and Spain, the land of its birth, joined with Sardinia in setting the example of its expulsion. As far as we are concerned, the re-establishment of the Order was nothing more nor less than a declaration of war against Protestantism, and hence its re-admission into Austria is a highly lamentable and ominous event for Germany. The breach of the religious peace of 1555 was the work of the Jesuits, and their suppression was the advent of freedom of conscience and tolerance on the part of the Catholic Sovereigns, who were still sanguinary persecutors a hundred years ago. This circumstance, painful as it is, must not be forgotten, but must be recalled to men's recollections when the Jesuits now try to gain all hearts under the mask of charity and even of enlightenment, and have by these means succeeded in blinding, or even in winning over, many men and women—nay, princes and governments. But these considerations must not induce us to lose our faith, and forsake our dignified, reasonable, and impregnable position. All their successes will not save them: the Catholic peoples know them too well—the cloven foot will soon peep out. Let us not deceive ourselves. The antagonism of Jesuitism to the Gospel, as to all reality in nature and history, is neither accidental nor the effect of any degeneracy of the Society: it is essential and original. The antagonism does not affect this point or that, but is absolute, because it proceeds from the fundamentally false view of the world and of man on which the whole Order was founded and subsists. On this point, Ranke and Stahl are at one with each other and with Pascal, that the shallowness of the Jesuitical ethics and the proverbial turpitude of their casuistry can not be accounted for by this or that object of the Society, but by

the unnaturalness and ungodliness of its fundamental principle, whether regarded from a Christian or a philosophical point of view, or from that of plain common sense.

The Jesuitical theory of the universe is a positive denial and thorough inversion of the Divine and human modes of action—a conscious breach with history and Providence. For it is the conscious and professed subordination of truth to an end, and that on the domain of morals and religion: it is the murder of the principle of personality bestowed by God and belonging to God. Hence it is involved in irreconcilable hostility with freedom, science, and humanity. *This is an irrefragable argument against it, independent of all historical demonstration.*

Loyola was well aware that a will directed on spiritual objects has power to rule the world; but he vainly deemed that he could rule over God, and take God's place in His own sanctuary. He knew that all religious knowledge consists, not in any outward learning and scholarship, but comes from the inward part of the soul. But he desired to reign over this inward part, in order to use it as a means and a tool; the which is eternally contrary to God. Lastly, he knew also that the natural Me, the Self, is the true enemy of the Divine life in every man, and self-seeking the essence of sin and the root of evil and of all the miseries of humanity; but he wanted to break the vessel, in order to make it the instrument of God in the service of the Superiors and of the Pope.

His perception of these truths constituted his highest and noblest ideas. I am inclined to think that his belief in them was sincere; but what we *can* judge of was, that his whole view of the real world was unsound,

and can not be brought into harmony with the facts of nature, nor with the essence of the Divine. Neither in nature nor in history, neither in the Bible nor in the Church, did he seek Truth for its own sake, but only as a means of governing by the crushing and killing out of personality—that is, of God in man. And this characteristic of crushing the faculties is indelibly impressed on the Order by a system which can not indeed be called an organization, but is a most perfect mechanism, and which is the naked prose of hierarchism under the garb of enthusiasm, and the lifeless deposit of the Middle Ages preserved in the acid of the seventeenth century.

That personality which a man finds in himself is, according to its natural root, a selfish principle. But there is a living consciousness in man that from this bitter root, under the tending care of God's Spirit, working through conscience and reason, a life of love and righteousness is destined to blossom out. And this consciousness the Gospel has, for all mankind, brought into clear light through the personality of Jesus of Nazareth; and this historically true, and yet perfectly unique, personality is exhibited to us on the background of the historical development of the consciousness of God in humanity, from Abraham and Moses onward, through wondrous manifestations of the Divine element in the men of God believing in the one God of creation and conscience, and the nation founded upon this belief.

Thus, from the selfish personality is educed by moral training (which can not be otherwise than religious) a renewed personality, that ever aspires toward goodness and truth. From the mere self-determining power is evolved a will truly free; from the constraint and servitude of self-love issues Divine freedom; the laboring

for self is transformed into a willing recognition of justice. To cold isolation and arbitrary power, strong only to destroy, succeeds the appointed realization of the Divine in the sphere, not artificially created but divinely ordained, of the household, of the Church, of the State; and, lastly, mental struggle and self-contradiction give place to godliness in the individual, and to prosperity in the community.

Jesuitism is not unacquainted with this order of development, but it lays its hand on the wheels and stops them, in order to insure the accomplishment of the end by destroying personality; not knowing, or not remembering, that with personality it destroys that very end itself. Were there neither God, nor Christ, nor Gospel, nor consciousness of God in man, Jesuitism would be indispensable; but they exist, and humanity exists.

Jesuitism places in the stead of free moral self-determination, unconditional obedience to your fellow-men, the superiors of the Order. The voluntary surrender of the selfish will to God is turned into blind obedience to a man who has ceased to be his own master. Man, says the Bible and the "Theologia Germanica," is to be to God as His hand or His foot; man shall become a corpse or a stock, a lifeless tool, say the Constitutions of the Jesuits literally:

"Let each man firmly believe that those who live under obedience ought to suffer themselves to be guided and governed by Divine Providence working through their Superiors, exactly as though they were a corpse, which suffers itself to be turned about in any direction, and treated in any manner you please: or like the staff of an aged man, which serves everywhere and in all things him who holds it in his hand." Vi. 1.

Who will set bounds to the Spirit of God? Who can deny that pious men have lived in the Order? We are speaking of the system, and of its necessary working as a whole; we are not now speaking of individuals. What can result from this annihilation of the Divine element—this killing out of God? Surely not that moral self-determination of the individual which can only result from freedom and the consciousness of the eternal and immediate relation of the human spirit to God; nor yet the sense of moral responsibility which is necessarily developed therefrom. Jesuitism crushes, it does not train the faculties; it enslaves, it does not liberate man; it is a concentrated faculty of self-seeking in the member of the Society which takes the place of God. And, truly, its fruit among the nations is not independence and prosperous development, but a ruinous fluctuation between anarchy and despotism, between skepticism and superstition. Nor, finally, does it give birth to a true, solid, truth-discovering science, nor a healthy and living art. Is not the impress of Jesuitism unmistakable in both these spheres? In that of art it is a sentimental distortion of the beautiful, a mannerism in painting and sculpture, an innate absence of taste and love of theatrical ornamentation in architecture. In science it is a rhetorical shallowness, where it is not a sophisticated concealment of truth—a garbled history, a degrading philosophy, a dead and unintelligent philology; in every department it is prose relieved by fanaticism.

This incapacity to respect, and therefore to perceive, what is healthy in nature and mind, is a necessary effect of the system; and is the Divine retribution for its unnaturalness and untruthfulness. Nay, reason and conscience, nature and history, and the author

of both, God himself would not be true if this were not manifest as the necessary consequence of such a system.

If these things be so, my honored friend, how can we Protestants, who have nothing to do with the Jesuits, doubt that the great and noble nations whom that society has first let to superstition and despotism, and then plunged into their inevitable consequences—unbelief and anarchy—will extirpate from their midst, with holy resolve and judicious act, the evil that has once more assumed such gigantic proportions, and free the world forever from its curse? What nations wish for the servitude which the Jesuits introduce or cherish, and not for liberty?—for the disruption of the commonwealth, and not for its prosperity?—for persecution and not for freedom of conscience? It would require fresh centuries of bondage, new religious and civil wars, before the nations could again be made rotten enough, the world wicked enough, skepticism universal enough, and the decline of true learning deep enough, for Europe to become once more a pupil of the Jesuits. We will not do them the favor to fall into the snare which they have laid for us.

Therefore we, for our part, in the strength of this faith, desire to keep wholly within the field of right and of liberty. We desire to take note of all that is done: we will not depart from our rights in order to deprive the Jesuits of theirs. Were we to violate our principle of freedom, we should be recreants to our faith in the victory of truth. The only way in which we can help our Catholic brethren is by faithfully acting upon the dictates of the Gospel committed to our hands, and of the freedom and knowledge to which it has conducted us; and by laboring for the kingdom of God among

ourselves, ever mindful of our own faults and imperfections, and of the high purpose and prize of liberty.

But this we will say boldly, and proclaim to all the world: *Whoever promotes oppression of conscience and mental slavery—yea, whoever does not, with all sincerity and energy, labor in faith for the freedom of the human conscience and intellect, is working for Jesuitism, and, as much as in him lies, for the downfall and destruction of his own Church and nation. But if he be a Protestant, he deserves a double measure of our abhorrence or compassion.*

But he who in the sphere assigned him, whether it be high or low, labors faithfully for right and freedom, is laboring for the overthrow of the enemies of the kingdom of God over the whole earth.

Assuredly, my honored friend, a mighty struggle is impending for us. It is a sacred warfare, and no unhallowed hands may take part in it with impunity. The antagonism between liberty and oppression of conscience is everlasting, but the banner of free moral personality waves victoriously over the battle-field, and on it is inscribed, in letters of fire—

“In hoc signo vinces.”

Even as the chorus of Greek tragedy ends—

“τὸ δ' εἶ νικάτω.”

Yes, the Right shall prevail in the history of our world; for it prevailed in Christ for all Humanity eighteen centuries ago!

We are all hastening to eternity while living in it, and our time has its essence in eternity. Time, into which the Kingdom of God has been born, and is advancing step by step to its full accomplishment.

Probably, my dear and honored friend, we shall behold only in spirit the dawning of the new day that is coming upon our earth; but we shall behold the day that is about to break, for it is ours. May we, like the divine prophet Elias, perceive the presence of the Lord in His still small voice of inward peace, even amid the roar of storms and crashing of tempests! May we, as we depart from this world, exclaim, in the beautiful dying words of the immortal seer of Gorlitz, the pious Jacob Böhme—

“HALLELUJAH! From sunrise to midnight flames the power and might of the Lord; who will stay his thunderbolts?

“HALLELUJAH! Into all lands looks thine eye of love; and thy truth endures for everlasting!

“HALLELUJAH! We are redeemed from the yoke of the oppressor! No one shall build his kingdom again forever; for the Lord hath spoken it by His wondrous deeds. HALLELUJAH!”

APPENDIX TO LETTER V.

A.

AN HISTORICAL AND JURIDICAL ACCOUNT OF THE
ECCLESIASTICAL CONTEST IN BADEN, UP TO
JUNE, 1854.

FROM the "Exposé historique et raisonné du conflit entre l'Episcopat et les gouvernements des territoires composant la province ecclésiastique du Haut-Rhin en Allemagne; par M. L. A. Warnkœnig, Professeur de droit ecclésiastique à l'université de Tubingen, membre correspondant de l'Institut de France, des Académies royales de Belgique et de Munich, etc. Bruxelles, Paris, Leipzig, 1854." (Published in July.)

I.

Demande des évêques.

L'episcopat demande une réforme radicale de l'ordre des choses existant, et réclame la restitution complète de tous les droits qu'il prétend lui appartenir, selon la constitution de l'Eglise catholique, la législation canonique, ou les conventions conclues avec le Pape.

Il demande en particulier :

1. Que la collation de tous les bénéfices ecclésiastiques, et la nomination à toute fonction ou emploi dans le sein de l'Eglise, appartiennent à l'évêque, hormis le cas, où un autre, que ce soit le souverain, ou un simple particulier, ait acquis le droit de patronage d'après les lois canoniques. Il ne reconnaît pas ce droit au souverain comme tel, et ne considère pas la sécularization des

biens des corporations religieuses, qui avaient autrefois le droit de désigner les curés dans les paroisses incorporées, comme un titre qui ait pu donner au souverain le droit de patronage. Il veut que ses nominations soient valables sans être agréées ou confirmées par le chef de l'Etat, et qu'il suffise qu'un curé soit nommé par l'évêque, pour qu'il soit reconnu et maintenu dans toutes les prérogatives inhérentes à sa charge et à sa dignité.

2. En conséquence de ce principe, que l'évêque peut seul conférer les bénéfices et dignités ecclésiastiques, et conformément aux dispositions du concile de Trente, l'épiscopat veut, que non seulement le souverain ne jouisse pas du droit de faire l'examen des candidats à recevoir aux séminaires, ou celui du concours dit paroissial, mais encore qu'il soit exclu de toute participation aux examens, qu'il ne puisse s'y faire représenter par des délégués, et qu'il n'ait surtout pas la faculté, que les gouvernements ont encore réclamée en mars 1853, d'émettre un vote sur la capacité des candidats examinés.

3. Les évêques réclament, pour les mêmes raisons, la direction immédiate des écoles et pensionnats ecclésiastiques, et l'établissement de séminaires d'après les préceptes du concile de Trente; ils veulent que les professeurs en théologie aux universités ne puissent être nommés que sur leur avis, et qu'ils soient, ainsi que leur enseignement, soumis à leur surveillance immédiate. Ils veulent en outre pouvoir seuls conférer le titre clérical ou de sustentation, et disposer à cet effet des fonds qui y sont affectés, ou même conférer les ordres, sans qu'il y ait besoin d'une pareille sustentation.

4. Ce que l'épiscopat réclame encore, c'est l'abolition complète et entière du droit de *placet*, et du recours comme d'abus, ou de l'appel contre ses décisions aux autorités civiles, sauf le cas où il y aurait usurpation de fonctions civiles de la part du clergé. Il réclame en outre le libre exercice de la juridiction ecclésiastique, tant civile que pénale, *secundum canones adhuc vigentes et presentem ecclesie disciplinam*, et il exige du gouvernement l'exécution parée de ses jugements, par conséquent aussi le droit de déposer, suspendre, et déplacer les prêtres sur jugement, sans que l'autorité civile ait à s'assurer de la régularité de la procédure.

5. Les évêques réclament ensuite une pleine et entière liberté du culte, même à l'égard des actes non réputés nécessaires au salut, et par conséquent le droit d'ordonner des missions, des

processions, des pèlerinages solennels, d'établir des confréries, des congrégations et des couvents et ordres monastiques sans autorisation préalable du gouvernement.

6. Ils prétendent non seulement à la direction exclusive de l'instruction religieuse dans les écoles primaires, collèges, ou lycées, ainsi qu'au droit d'y nommer les professeurs, mais encore à celui de surveiller et même de diriger l'enseignement profane, de faire renvoyer les professeurs, quand ils ne jouissent plus de leur confiance; ils demandent enfin l'abolition des écoles mixtes, c'est-à-dire de celles qui sont destinées à l'instruction simultanée d'enfants de différentes confessions, afin que ceux de la religion catholique soient exclusivement instruits dans des écoles catholiques.

7. L'épiscopat veut de plus avoir plein pouvoir de prononcer l'excommunication tant majeure que mineure contre tout prêtre et laïque qui a encouru cette peine.

8. Il réclame enfin l'exclusive et la libre administration de tous les biens ecclésiastiques, sans le contrôle exercé jusqu'à cette heure par l'Etat, par conséquent l'abolition des réglemens d'administration établis par le gouvernement. C'est surtout du fonds ecclésiastique général que les évêques veulent pouvoir disposer sans autorisation quelconque du pouvoir civil, et conformément à ce qui est prescrit par le droit canon.

Dans leurs mémoires il n'est pas question des mariages mixtes; l'épiscopat ayant depuis nombre d'années mis les ordonnances du saint-siège à cet égard en vigueur, et considérant la législation civile en tous les points où elle leur est contraire comme nulle, il n'a pas jugé nécessaire d'en demander l'abrogation.

Si l'on compare le système gouvernemental exposé ci-dessus avec les exigences de l'épiscopat, on doit se convaincre aisément qu'ils reposent sur des manières de voir si différentes, qu'il existe entre eux une antinomie absolue. D'après les principes du gouvernement, l'Eglise ne peut réclamer de l'Etat d'autres droits que ceux qu'il veut bien lui accorder; la plupart de ces droits ne lui semblent qu'une simple concession de sa part, et il croit pouvoir lui en refuser des plus importants, tel que celui de conférer les bénéfices ecclésiastiques, d'examiner les candidats en théologie et les aspirants aux places de curé, et d'administrer le fonds central ecclésiastique; tandis que les évêques de leur côté revendiquent tous ces droits comme leur appartenant exclu-

sivement, ou tout au moins comme des prérogatives, que l'Etat ne peut faire dépendre de conditions dictées par lui-même, et dont il ne peut circonscire l'exercice dans certaines limites; ils déclarent même la plupart de ces droits tellement inhérents à la dignité et aux fonctions épiscopales, qu'ils ne se croient pas autorisés à y renoncer ou à permettre que le pouvoir civile s'en mêle. Bref, c'est le système ultramontain le plus absolu et le plus franchement prononcé, que l'épiscopat du Haut-Rhin veut mettre en pratique, peu lui importe que l'Etat le reconnaisse ou non. C'est pour cela que l'archevêque de Fribourg a cru pouvoir se mettre de sa propre autorité et par voie de fait en possession d'une partie de ces droits, tandis que les gouvernements craignent d'abdiquer une partie de leur souveraineté en laissant s'introduire un tel ordre de choses.

Les gouvernements avaient modifié, en partie dans une ordonnance rédigée en commun, en partie dans une déclaration ministérielle du 2 au 5 mars 1853, l'ordonnance du 30 janvier 1830. Mais cela ne suffisait pas pour répondre à toutes les demandes de l'épiscopat; un grand nombre de ces demandes avaient été rejetées, et les principes de l'ancienne ordonnance maintenus; aussi les évêques déclarèrent-ils ne pas être satisfaits par les concessions qu'ils venaient d'obtenir. Nous allons énumérer les plus essentiels des changements qui avaient été décrétés:

a. Les bulles ou brefs du Pape, les ordonnances générales des évêques et d'autres autorités ecclésiastiques, ainsi que les décrets des synodes, n'ont besoin du *placet*, pour être publiés et exécutés, que lorsqu'ils imposent des obligations qui ne sont pas du ressort de l'Eglise, ou qui se rapportent aux affaires publiques ou civiles. Quant aux autres, qui ont un caractère purement spirituel, il suffit qu'ils soient portés à la connaissance du gouvernement.

b. Il est libre à tout le monde de communiquer avec Rome, sans toutefois qu'il soit porté préjudice à l'ordre hiérarchique des autorités ecclésiastiques.

c. Les études théologiques doivent se faire à une faculté de théologie faisant partie des universités gouvernementales.

d. Les candidats en théologie ne sont admis à recevoir les ordres sacrés, ou à jouir du titre clérical, qu'après avoir subi avec succès l'examen d'une commission épiscopale, assistée d'un commissaire du gouvernement; ce dernier est muni d'un

droit de *veto* suspensif, et doit en référer au conseil des cultes, qui décide alors en dernière instance sur l'admission du candidat ajourné.

e. On accorde aux évêques et à l'archevêque de Fribourg le droit de nommer librement aux places de curé qui deviennent vacantes aux mois de juillet et de décembre.

f. L'évêque a le droit de surveiller immédiatement les établissements d'instruction publique des prêtres futurs; les professeurs et les chefs ou régents des pensionnats qui y sont annexés ne peuvent être nommés sans son consentement.

g. L'évêque nomme les doyens ruraux; mais ils ne peuvent entrer en fonction qu'après avoir été confirmés par le gouvernement.

h. Les gouvernements reconnaissent aux évêques le droit de prononcer, contre les prêtres en faute, les peines usitées; si cependant leurs sentences doivent produire des effets civils, tels que la perte du bénéfice, etc., il faut qu'elles aient été rendues par un tribunal bien organisé, et assisté d'un jurisconsulte laïque; il faut que la condamnation se fasse par suite d'une procédure conforme aux lois, et que le condamné ait pu en appeler à l'autorité civile; s'il n'y a pas de ce droit, ou si l'autorité civile déclare qu'il n'y a pas lieu à cassation, les condamnations seront mises à l'exécution à l'aide du bras séculier.

i. Les gouvernements reconnaissent aux évêques le droit d'excommunier; mais l'excommunication ne peut avoir nul effet civil; elle donne lieu à un recours comme d'abus, lorsqu'elle est prononcée pour des faits étrangers à la religion.

Les réformes refusées par les gouvernements concernent entre autres l'érection des petits séminaires prescrite par le concile de Trente, mais qui n'existent pas en Allemagne, et sont rendus superflus par les écoles secondaires et les pensionnats existants; ensuite les missions, pèlerinages solennels, ainsi que l'érection de couvents sans autorisation préalable de l'Etat; la surveillance et le contrôle de l'enseignement profane par l'évêque, ou celle des professeurs en théologie nommés par le gouvernement aux universités de l'Etat. Enfin la législation existante à l'égard des biens ecclésiastiques et des fondations est maintenue, et les gouvernements déclarent vouloir continuer à faire administrer le fonds central ecclésiastique créé par eux, quoique alimenté par les revenus des bénéfices vacants; il doit suffire aux évêques d'avoir

le droit de consentir à l'emploi de ce fonds, etc. Ils terminent en promettant aux évêques que toutes les fois qu'ils réclameront quelque amélioration du bien-être général de l'Eglise, ils s'empresseront de satisfaire à leurs désirs, pourvu qu'ils soient compatibles avec l'ordre social moderne et les lois de l'Etat.

II.

Actes d'opposition insurrectionnelle de l'épiscopat contre les gouvernements, et procédés de ces derniers.

Les évêques ne tardèrent pas de donner suite à leurs menaces, de se mettre en possession des droits que les gouvernements ne cessaient de leur contester. Ils choisirent deux voies pour parvenir à ce but. Ils refusèrent d'abord leur participation aux actes d'administration ecclésiastique qui selon les ordonnances en vigueur devaient se faire de commun accord, ou ils ne donnèrent pas suite aux ordres du gouvernement, qu'ils envisageaient comme contraires à leurs droits. Cette espèce de *resistance passive* avait déjà commencé à partir du mouvement révolutionnaire de mars 1848. L'évêque de Rottenbourg avait alors refusé de prendre part à la nomination des doyens ruraux, et d'envoyer un commissaire aux examens à subir à Stuttgart par les prêtres aspirants aux places de curé. Bientôt après l'épiscopat tout entier alla plus loin; il refusa l'institution canonique aux curés nommés par le chef de l'Etat, comme tel, et ne reconnut plus comme obligatoires les ordres du conseil des cultes, qui lui semblaient empiéter sur les prérogatives ou la juridiction épiscopale.

Enfin l'archevêque de Fribourg et plus tard l'évêque de Limbourg passèrent de la désobéissance passive à des actes de résistance active.*

Ils nommèrent, en vertu de leur pouvoir pontifical, des curés aux paroisses vacantes. L'archevêque se donna un fondé de pouvoir avec le droit de le représenter au sien du chapitre, sans même en faire part au gouvernement; il ne recherche plus d'autorisation pour publier ses décrets, ou pour exécuter des actes de

* Un écrit apologétique de l'archevêque, publié à Mayence, présente tous ces actes comme n'impliquant qu'une résistance passive. Ceci est par trop naïf.

juridiction quelconque. Il fit faire les examens de réception au séminaire en son nom, et refusa d'y admettre un commissaire civil ; en un mot il se mit au-dessus des ordonnances légalement sanctionnées du gouvernement, que lui et ses prédécesseurs avaient pourtant respectées et exécutées jusqu'alors. Enfin il entra en correspondance, le 5 août 1853, avec les membres tant laïques qu'ecclésiastiques du conseil du culte catholique à Carlsruhe, pour les engager à se démettre de leurs places, comme les obligeant à des fonctions incompatibles avec les devoirs d'un chrétien catholique. Aucun d'eux n'ayant déféré à sa demande, il lança contre eux une sentence d'excommunication, qu'il leur fit signifier à chacun personnellement, le 20 octobre 1853. C'est ainsi que la rupture avec le gouvernement fut consommée, et la guerre déclarée.

Le gouvernement de Bade se vit contraint d'user de représailles, pour maintenir l'ordre légal en vigueur, et pour faire respecter sa propre autorité. Il choisit d'abord à cet effet le moyen le moins dur ; au lieu de faire instruire un procès criminel contre l'archevêque ou de le faire arrêter, il le mit en *tutelle* ; une ordonnance du 7 novembre, 1853, défendit de publier ou d'exécuter tout acte émané de lui, sans le visa d'un commissaire spécial, nommé par le prince régent en la personne du premier magistrat du baillage de Fribourg ; l'archevêque l'excommunia tout aussitôt, ce qui du reste ne l'empêcha d'exercer ses pénibles fonctions. L'archevêque fit publier solennellement toutes ses excommunications, et chargea les curés de Fribourg et de Carlsruhe d'en lire les décrets au prône, ce qu'ils firent faire par leurs vicaires. Il est cependant à remarquer que le chapitre archiépiscopal déclara solennellement partager en tous points la manière de voir de son chef.

Le gouvernement répondit à ces nouvelles démonstrations en prononçant contre leurs agents des peines d'amende et d'emprisonnement.* Le grand vicaire de l'archevêque fut successivement condamné à plusieurs milliers de francs d'amende. Tous ceux qui avaient exécuté les ordres de l'archevêque non contre-signés du commissaire spécial, furent menacés de ces peines ; les doyens et curés fidèles à l'ordre légal, au contraire, furent assurés de la protection du gouvernement. L'archevêque

* Tous les magistrats à l'exception d'un fort petit nombre, s'empressèrent de poursuivre les ecclésiastiques défaits ; ceux qui s'y refusèrent furent destitués.

essaya de justifier sa conduite dans plusieurs proclamations, soit secrètement imprimées, soit publiées à l'étranger. A la fin il ordonna (toujours sans l'autorisation du commissaire spécial) à tous les curés d'exposer, dans quatre sermons, sa position envers l'Etat, la violation des droits de la sainte Eglise, et le but de son procédé extraordinaire.

Le clergé se trouva dans un fort grand embarras; la majeure partie exécuta bon gré mal gré, les ordres de l'archevêque; les récalcitrants furent suspendus ou démis de leurs fonctions, et quelques-uns furent même frappés de l'excommunication. Dans un grand nombre d'endroits les conseils communaux sollicitèrent l'archevêque de retirer l'ordre des quatre sermons, ou même ils s'abstinrent d'y assister, et quelques fois même toute la paroisse avec eux. L'archevêque fut inexorable, et déclara constamment qu'il persisterait dans la ligne de conduite qu'il s'était tracé jusqu'à ce que justice lui fût rendue. D'un autre côté des prédicateurs trop ardents furent traduits devant les tribunaux.

Le spectacle de cette lutte à outrance, sans pareille en Allemagne, produisit encore l'étonnement le plus général, et les feuilles cléricales de tous les pays s'en occupèrent sans cesse. On y présenta la religion et l'Eglise catholique comme cruellement persécutées; on y attaqua le gouvernement badois avec un tel acharnement, que plusieurs rédacteurs de journaux étrangers furent cités devant les tribunaux et condamnés par contumace. En revanche, on tâcha de gagner, par des insinuations douces et flatteuses, le prince régent de Bade et les autres souverains intéressés à cette grande affaire; on les engagea à abandonner le système suivi jusqu'à ce jour, à embrasser, en se séparant des conseillers de la couronne, la cause sacrée de l'Eglise, qu'on chercha à leur présenter comme leur propre cause; on leur fit voir dans l'alliance de l'autel et du trône la plus forte garantie de la stabilité, et le gage du triomphe le plus certain sur la démocratie, qui l'on dépeignit comme l'ennemi commun.

Des souscriptions furent ouvertes en Bavière, dans les provinces rhénanes et dans d'autres parties de l'Allemagne catholique, de même qu'en France et ailleurs en pays étrangers, pour indemniser les prêtres martyrs de l'Eglise.

Une quantité d'addresses de condoléance et de félicitation des évêques et du clergé catholique de presque tous les pays, ainsi qu'un bref du Pape, arrivèrent à Fribourg pour soutenir le

courage du prélat qu' on prétend être persécuté. On feignit même de voir, dans cette affaire, une guerre du protestantisme contre l' Eglise catholique ; quoique les protestants, sauf un fort petit nombre, soient restés spectateurs muets de cette lutte qui, à leurs yeux, ne sert pas à glorifier l' Eglise. Il est varié que parmi les journaux qui prennent le parti des gouvernements, il en est plusieurs dont les rédacteurs sont protestants ; mais la grande majorité des catholiques, appartenant à la classe élevée, est du même parti. Quant à la masse de la population catholique, elle reste indifférente à ce conflit ; elle est assez éclairée pour voir que la religion catholique n' a rien souffert et n' a rien à souffrir, attendu *que l' ordre de choses que l' épiscopat fait passer aujourd' hui pour une tyrannie a subsisté paisiblement depuis un demi-siècle, sans qu' on s' en soit jamais plaint ouvertement.*

Presque tout le monde ne voit dans le conflit qu' une affaire personnelle des évêques, qui aspirent à étendre leur pouvoir. Il y a même un grand nombre de personnes qui craignent qu' une victoire de l' épiscopat ne soit nuisible à la liberté des consciences.

Le gouvernement badois entama d' abord des négociations avec le nonce du Pape à Vienne, pour faire cesser le conflit à l' aide d' un arrangement avec le Pape. Il est à remarquer qu' à l' exception de l' évêque de Limbourg, pour le duché de Nassau et la ville de Francfort, les chefs des autres diocèses n' ont pas suivi l' exemple de leur métropolitain ; celui de la Hesse électorale s' est en quelque sorte retiré de la coalition, se livrant à l' espoir de terminer les difficultés par son influence sur M. Hassenpflug, premier ministre de ce pays. L' évêque de Rottenbourg s' est adressé au roi de Wurtemberg en personne. On arrête d' abord une espèce d' armistice, et l' on conclut, au mois de janvier passé, un compromis, qui fut rédigé en projet de convention, et que l' évêque transmit au Pape. Rien de positif n' a transpiré sur les clauses de cet arrangement, ni sur les négociations de l' ambassadeur badois à Vienne. Les chefs les plus ardents du parti clérical ont manifesté cependant un certain mécontentement d' une issue pacifique de la grande lutte.

C' est au milieu de cette agitation toujours croissante et alimentée par des écrits fugitifs, des pamphlets anonymes, et des feuilles volantes pleines d' invectives, qu' eut lieu l' ouverture des chambres du grande-duché de Bade. L' attention publique était généralement dirigée sur le passage du discours du trône ou il

devait être fait mention du conflit ecclésiastique. Le prince-régent le fit avec autant de dignité que de tact et de réserve. Il y exprimait ses sincères regrets de ce que le vœu de l'archevêque, de voir son pouvoir plus étendu qu'il ne l'était conformément aux lois et aux ordonnances en vigueur, avait fait naître une espèce de scission entre l'épiscopat et le gouvernement, malgré l'attachement que lui, feu son père et son aïeul, avaient toujours témoigné à leurs sujets catholiques, et malgré leur respect pour cette religion et leur zèle pour leur Eglise; que c'était contre son gré qu'il avait dû prendre des mesures sévères pour l'honneur de l'Etat et l'autorité des lois, mais qu'il espérait que tout serait terminé par un arrangement, etc.

Dans leurs réponses ou adresses du 22 janvier, 1854, les deux chambres exprimèrent au prince-régent leur sympathie la plus franche relativement à cette affaire. La seconde chambre surtout, composée en majeure partie de catholiques, s'exprime, en cette occasion, d'une manière remarquable; elle dit: "Nous regrettons d'autant plus profondément les complications fâcheuses qu'a fait naître le procédé extraordinaire de siège archiepiscopal, si opposé à la base fondamentale de notre organisation gouvernementale, que les mesures qu'a dû prendre Votre Altesse Royale pour garantir contre toute atteinte les prérogatives de la couronne, ont provoqué, de la part de l'autorité ecclésiastique, des actes ultérieurs qui auraient facilement pu troubler le repos public et occasionner de graves désordres, si vos fidèles sujets avaient été moins attachés à leurs devoirs qu'ils ne le sont. Quelles que soient les erreurs répandues à l'étranger sur ces affaires, que l'on connaît si peu sous leur vrai jour, votre peuple a prouvé, par sa tenue et par la ferme confiance qu'il a en Votre Altesse, qu'il est persuadé que la sainte cause de sa religion n'est exposée à nul danger. Le souvenir des bienfaits dont l'Eglise catholique a été comblée depuis les temps de votre illustre aïeul Charles-Frédéric jusqu'à nos jours, et l'assurance de Votre Altesse que la foi catholique n'est pas moins chère à votre cœur que votre propre croyance, le fortifient encore en cette conviction. Nous, les représentants de la nation de toutes les parties du Grand-Duché, nous croyons qu'il est de notre devoir d'en donner l'assurance au pied du trône, et de rendre ce témoignage public, que l'amour de vos sujets et leur conviction intime que vous rendez à tous la même et impartiale justice, et que vous avez pour tous une

même et égale bienveillance, n' a nulle part dans tout le pays subi la moindre altération par suite de ces différends. Vos fidèles députés espèrent avec confiance qu' on arrivera à un arrangement avec l' autorité ecclésiastique, qui ne porte aucune atteinte à la dignité et aux droits de la couronne."

Conformément à la déclaration faite aux chambres, le prince-régent résolut l' envoi d' un négociateur auprès de sa Sainteté à l' effet de terminer ce grand conflit à l' amicable.

Il fit choix du comte de Leiningen, connu par son dévouement à l' Eglise, et lui adjoignit un jeune secrétaire qui avait assisté aux conférences des envoyés des gouvernements réunis, tenues, comme nous l' avons dit plus haut, à Carlsruhe. Pour lui préparer un bon accueil à Rome, le prince révoqua l' ordonnance du 7 novembre, 1853.

Le gouvernement badois espérait avec raison que l' archiépiscopat respecterait le *status quo* jusqu' à la décision du Pape; mais il en fut autrement. Les mesures d' agression reprirent leur cours; l' archevêque ne se contenta pas seulement de nommer les curés de sa propre autorité, mais il défendit encore aux ecclésiastiques les examens en matière de religion, aussi longtemps qu' ils auraient lieu en présence des commissaires gouvernementaux, et décréta l' établissement d' un pensionnat pour les théologiens à Fribourg, dans un bâtiment appartenant à l' Etat; de plus il fit fermer les églises, dont les curés nommés par lui n' avaient pas été reconnus par le gouvernement.

Cet acte hostile n' empêcha pas ce dernier d' user de modération; ne voulant pas priver les communes catholiques de l' exercice de leur culte, il permit aux curés nommés par l' archevêque d' exercer leurs fonctions en qualité de vicaires. Toutefois cette condescendance ne satisfit pas le pontife, qui s' engagea de plus en plus dans la voie de l' arbitraire. Il ordonna aux administrateurs des fabriques des églises de mettre ses curés en possession des revenus attachés à leur place. Comme ceux-ci ne voulurent pas s' y prêter, et que lui-même ne reconnaissait plus le conseil du culte catholique comme légalement existant, il émit, pour ne pas laisser ses employés sans traitement, le 5 mai, 1854, une ordonnance par laquelle il enjoignit à tous les conseils de fabrique de ne plus reconnaître d' autre autorité supérieure que la sienne; il en destitua les membres récalcitrants et prescrivit aux curés, en leur qualité de présidents de ces conseils, de se mettre en pos-

session des obligations, hypothèques, et autres documents relatifs à l'administration financière de la paroisse.

Cette dernière mesure occasionna les plus grands troubles dans l'administration locale des fonds ecclésiastiques : un petit nombre de ses membres se soumit aux ordres de l'épiscopat, un plus grand se démit de ses fonctions, la plupart résista aux ordres archiépiscopaux. Le gouvernement de son côté s'opposa énergiquement à leur exécution, et les autorités civiles se virent obligées, dans plusieurs endroits, de faire arrêter les curés. L'Odenwald, où les populations empêchèrent violemment l'arrestation des prêtres, fut le théâtre de plusieurs émeutes ; le gouvernement, pour faire respecter son autorité, se vit obligé de recourir à la force militaire.

Sur ces entrefaites, l'autorité judiciaire, voyant, dans les décrets épiscopaux du 5 mai, un abus de pouvoir manifeste et une violation patente de la loi, puisqu'ils contenaient l'ordre formel de ne plus lui obéir, se mit en mesure de déployer son action. Le juge d'instruction du tribunal de Fribourg, se rendit auprès de l'archevêque, et lorsque ce dernier refusa de répondre aux questions qui lui étaient adressées, il le mit aux arrêts dans son palais.

Le pontife protesta contre cet acte judiciaire, fit interdire le son des cloches et les messes solennelles, et adressa, le 20 mai, à la cour de justice une réclamation contre la procédure commencée à sa charge, prétendant qu'en matières ecclésiastiques il n'avait d'autre juge que le Pape.

Il se soumit néanmoins plus tard à l'interrogatoire du juge d'instruction et fut remis peu de jours après en liberté. L'enquête fut bientôt terminée, et la cour criminelle de Fribourg s'occupe en ce moment d'examiner la cause pour rendre le jugement définitif. De la part de l'archevêque, l'interdit fut en même temps levé.

III.

Conclusion.

Il y a désaccord complet dans les rapports mutuels de la société politique et religieuse. La voie la plus convenable et la plus sûre pour rétablir la bonne harmonie sans préjudice pour l'Etat et pour l'Eglise, est sans contredit celle de la convention,

dont l'acceptation doit cependant en dernier ressort appartenir à l'Etat, vu qu'il s'agit d'*affaires extérieures de la vie sociale*, et que, pour nous servir des paroles de M. Laboulaye,* "l'Etat est le maître du territoire et le représentant de tous ceux qui l'habitent;" son intérêt c'est l'intérêt général, contre laquelle ne peuvent prévaloir des intérêts particuliers, quelle qu'en soit la nature. Si l'Eglise se croit lésée, elle a, comme toutes les autres sociétés reçues, le droit d'agir par *voies légales*; elle peut écrire, pétitionner, s'adresser à l'opinion publique, aux grands pouvoirs de la société; mais si l'Etat persiste en une mesure que l'Eglise considère comme oppressive, elle n'a que le moyen de se soumettre ou, ce qu'elle ne fera pas, de quitter le territoire. "Quand on vous persécute en un pays, fuyez dans un autre," a dit son divin fondateur (Saint Matthieu x. 23). Il n'a pas permis ni compté la résistance et la rébellion au nombre des moyens, par lesquels les fidèles peuvent faire triompher ce qu'ils croient être la vérité.

L'Etat fera donc au pouvoir ecclésiastique les propositions les plus favorables; il lui offrira une sphère d'action et de liberté aussi large que possible, mais compatible avec la base et l'organisation de la société politique; il n'abdiquera en rien sa souveraineté. Si les chefs de l'Eglise, fût-ce même le Pape, refusent d'agréer ces propositions, qui sont à considérer comme les dernières concessions que l'Etat puisse faire, il les *octroiera* comme la charte politique de l'Eglise. C'est ainsi que tous les états de la chrétienté ont agi depuis Constantin le Grand jusqu'à nos jours. Les souverains ont tous déterminé les droits de l'Eglise et de l'épiscopat en particulier, soit par des arrangements appelés concordats, conventions, ou autrement, soit par des lois sanctionnées en vertu de leur souveraineté. Les décrets du concile de Bâle n'ont reçus force de loi en France, que par la pragmatique sanction du roi Charles VII., après l'assemblée de Bourges en 1438, tandis qu'en Allemagne ils ont été reçus par suite d'un concordat avec le Pape Eugène IV.

En 1801-1802, la France choisit un double voie pour rétablir l'Eglise catholique, celle du concordat, qui n'eut de valeur qu'après avoir été adopté comme loi nationale, celle de la législation,

* *Revue de législation et de jurisprudence* de M. Wolowski année 1845, t. i., p. 468.

qui donna lieu aux articles organiques du 18 germinal an X. ; ce sont ces articles qui, sauf quelques changements, qui y furent faits plus tard, régissent encore la France, malgré toutes les réclamations ultramontaines adressées aux divers gouvernements, qui s'y sont succédé depuis. Toutes les constitutions de la France, même celle de 1848, établissent quelques principes fondamentaux sur les rapports de l'Eglise avec l'Etat. C'est ce qu'ont fait aussi les constitutions des divers Etats de la confédération germanique depuis 1818. La liberté dont jouit l'Eglise en Belgique n'existe, comme il a été dit plus haut, qu'en vertu de la constitution de ce pays ; et la législation de Joseph II. n'a cessé d'être en vigueur en Autriche, qu'autant qu'elle a été abrogée par les concessions du gouvernement autrichien faites en 1850.

Le *règlement* de toutes ces affaires devant émaner, pour avoir force obligatoire, du pouvoir législatif, il faut pour cela, dans les Etats constitutionnels, le concours du souverain et des chambres, à moins que ces dernières ne confient ce soin à la sagesse personnelle du prince et de son ministère responsable. Dans le siècle où nous vivons, et après les débats qui viennent d'avoir lieu par suite du conflit lui-même, il n'y a plus d'oppression à craindre pour l'Eglise de la part de l'Etat.

Si l'on veut terminer les différends par un arrangement, il n'est pas nécessaire que tous les points litigieux y soient décidés ; cela ne se peut même pas à l'égard de ceux sur lesquels l'Eglise, à cause du dogme, et l'Etat, à cause des principes fondamentaux de la constitution, ne peuvent transiger.

L'Etat doit les régler en vertu de sa souveraineté, et si l'Eglise ne croit pas pouvoir les confirmer, elle s'y soumettra par nécessité ; car c'est elle qui est dans l'Etat, et non l'Etat dans l'Eglise, comme l'a déjà dit Saint Optat au quatrième siècle de l'ère chrétienne. Les évêques peuvent tranquilliser leur conscience, si, après avoir essayé de faire triompher le plus possible le principe du catholicisme, ils n'y ont pu entièrement réussir.

Les points à régler d'un commun accord nous semblent être ceux qui concernent :

1. *La nomination aux places de curé, et d'autres fonctions ayant un caractère public.* Si l'Eglise catholique était une société privée, l'Etat n'aurait nul intérêt à la nomination de ses chefs ; mais les curés et chanoines des églises cathédrales sont reconnus

fonctionnaires publics, et traités comme tels par l'Etat; ils sont investis de droits que l'Etat lui-même et tout le corps politique doivent respecter aussi bien que ceux de l'évêque; ils sont, comme fonctionnaires, inamovibles même de la part de l'évêque; les curés ont un pouvoir extérieur, à la vérité fort restreint, mais toujours assez important dans l'Etat, et sont, en outre, officiers de l'état civil; les chanoines sont membres du conseil administratif de l'Eglise et du tribunal ecclésiastique, qui juge les causes matrimoniales, etc. Comment peut-on prétendre que l'Etat doive se laisser imposer des fonctionnaires ou magistrats qui, quoiqu'ils représentent, en premier lieu, le pouvoir ecclésiastique, font néanmoins partie de la hiérarchie civile? Il ne peut être indifférent à l'Etat que tel ou tel prêtre soit curé en tel ou tel endroit; ses relations journalières avec les autorités civiles sont si fréquentes et exigent une telle entente réciproque qu'on ne peut en faire dépendre l'existence d'un pouvoir qui serait au-dessus de celui de l'Etat. C'est donc une disposition fort sage du 19^e article organique du concordat français, que "les évêques nommeront et institueront les curés; néanmoins ils ne publieront leur nomination et ne donneront l'institution canonique qu'après que cette nomination aura été agréée par le premier consul, etc." Cette disposition avait été consentie d'avance par l'art. 10 du concordat, et le pape Pie VII. a lui-même déclaré, dans *l'Exposizione dei sentimenti*, "qu'on pouvait accorder, sans difficulté, aux princes protestants, le droit de rayer de la liste des candidats les personnes qui ne leur seraient point agréables." Nous pensons donc que ce premier des points litigieux pourrait être décidé avec d'autant plus de facilité, que les gouvernements réunis sont tous convaincus, à l'heure présente, que le droit de nommer à une place ou dignité ecclésiastique n'émane point de leur souveraineté.

2. Ce premier différend terminé, un deuxième, qui s'y rattache, s'arrangerait tout aussi aisément; c'est celui qui concerne *les examens*. Il est évident que l'examen des candidats à la prêtrise, à leur entrée aux séminaires, et de ceux qui aspirent à des places de curé, est une attribution de l'évêque; car c'est lui qui donne les ordres cléricaux et l'institution canonique; c'est donc à lui de faire constater la capacité et le mérite de ceux qui veulent les recevoir. Mais l'Etat étant, de son côté, intéressé, à ce qu'il y ait de bons prêtres, et le souverain devant connaître le

mérite des curés, qu'il a le droit d'agrèer, il faut aussi lui accorder le droit de s'en convaincre et d'envoyer aux examens un commissaire qui, sans avoir de voix délibérative quant à la réception des candidats, sera mis à même de juger de leur mérite et d'en faire rapport à son souverain. Ce serait un acte d'insubordination, si l'évêque ou son jury d'examen voulait s'opposer à admettre un tel commissaire. On ne peut pas exiger du souverain qu'il ait une confiance absolue dans les décisions de personnes qui lui sont tout à fait étrangères.

3. L'évêque a, en vertu de sa juridiction ecclésiastique, le droit de punir tous ses fonctionnaires et même de les suspendre ou de les destituer ; mais quand ceux-ci perdent avec leurs places leurs moyens d'existence, les sentences du tribunal ecclésiastique prennent le caractère d'un acte de droit civil. Il se peut aussi que les condamnés ne se soumettent pas de bon gré aux sentences portées contre eux, et refusent, par exemple, de se démettre de leur place ou de quitter le presbytère ; l'évêque n'ayant pas de forces matérielles dont il puisse disposer, il faut bien que l'État prête son assistance à l'exécution de ces ordres ; mais il doit avoir, à cet effet, aussi le droit de se convaincre que la sentence, qu'il est requis d'exécuter, est fondée en droit. L'autorité civile doit s'assurer que la condamnation de l'accusé repose sur une loi pénale, que l'ordre régulier de la procédure a été observé et que le fait de la culpabilité de l'accusé est constaté ; elle s'abstiendra de tout examen de questions dogmatiques auxquelles le procès peut avoir donné lieu.

C'est une prétention exorbitante de l'épiscopat du Haut-Rhin de vouloir que les fonctionnaires de l'État n'aient qu'à exécuter les ordres de l'évêque, dès qu'ils leur sont insinués. Deux archevêques de Paris ont émis un avis tout à fait opposé à cette étrange théorie : savoir Mgr. Affre, dans son livre sur l'appel comme d'abus, et Mgr. Sibour, dans son remarquable ouvrage : *Institutions diocésaines*. Ce dernier s'exprime dans l'art. 124 de ses statuts d'officialité, de la manière suivante : " Lorsque le titre (d'un prêtre condamné par son tribunal) sera appuyé sur une ordonnance royale (c'est-à-dire si sa nomination est agréée par le chef de l'État), l'administration diocésaine fera ses diligences auprès du gouvernement pour faire révoquer cette ordonnance." " Dans le cas de recours d'un curé, dont la nomination n'est pas révocable, l'autorité," dit Mgr. Affre, " se bornera à s'assurer que

les règles essentielles des jugements aient été observées, c'est-à-dire que le coupable ait été entendu, ou s'il ne l'a pas été, que la culpabilité ait été constatée sur des écrits émanés de lui, ou par des témoins." Telle est aussi la jurisprudence du conseil d'Etat, dont les évêques n'ont pas à se plaindre. C'est ici encore que la législation française peut servir de modèle à l'Allemagne, pour aplanir ce différend, sur lequel on n'a pas encore pu s'entendre jusqu'aujourd'hui.

4. Un quatrième point à régler d'un commun accord, c'est la direction et la surveillance des établissements destinés à l'instruction du clergé. Les gouvernements sont, en vertu des stipulations de 1803, tenus d'en fournir les fonds et, par conséquent, en droit de s'assurer de leur emploi. On peut, à cet égard, suivre deux systèmes différents, dont on peut appeler l'un le système français, et l'autre le système allemand. D'après le premier, ces établissements sont purement ecclésiastiques, comme les petits et les grands séminaires organisés selon les principes du concile de Trente; l'évêque en nomme les directeurs, professeurs, et régents, sur l'avis des autorités civiles, qui ont le droit de surveiller ces écoles et pensionnats.* D'après le système allemand, ceux qui veulent devenir prêtres font leurs études dites *humanités* aux collèges, gymnases, ou lycées de l'Etat, et leurs études en théologie aux facultés universitaires; les professeurs en sont nommés par le gouvernement, sur l'avis des autorités ecclésiastiques, qui ont en outre sur ces établissements un droit de surveillance plus ou moins restreint. Cette surveillance a été jusqu'à cette heure déterminé par le gouvernement tout seul et d'une manière peu étendue.† Il suffira donc pour le moment d'étendre un peu

* Voy. Vuillefroy, *Traité de l'administration du culte catholique*.

† "Les candidats à la prêtrise doivent avoir fait des études à une faculté de théologie catholique, soit du pays, soit d'une autre université allemande; ils ne sont reçus aux séminaires, qu'après avoir passé un examen devant une commission mixte, c'est-à-dire tant gouvernementale qu'épiscopale; cette commission se compose ordinairement des professeurs en théologie et des professeurs du droit canon, sous la présidence d'un commissaire du gouvernement et d'un autre commissaire nommé par l'évêque ou l'archevêque. Dès leur réception au séminaire, ils doivent jouir de ce qu'on appelle le *titre clerical* ou de sustentation, indispensable pour recevoir les ordres; ce titre ne consiste pas, comme en France, d'après les articles organiques, dans la possession d'un revenu propre de 300 francs, mais dans une rente de 300 à 400 florins, assignée par le souverain sur le fonds ecclésiastique à celui qui, à défaut de cette allocation, se trouverait sans faute hors d'état d'exercer ses fonctions. Le séjour au séminaire n'est ordi-

plus ce pouvoir de l'évêque. Le principe de la liberté de l'enseignement se trouve-t-il en vigueur dans le pays, il faudra en outre, dans ce cas, permettre à l'évêque d'établir des écoles particulières ou de faire donner discours de théologie à son séminaire, mais tout cela à ses propres frais et en égard aux conditions prescrites en général pour ériger des établissements d'instruction privés, sauf aussi le droit de surveillance que les lois y accordent au pouvoir civil. Tout cela se pratique déjà maintenant dans l'un ou l'autre des États de la province du Haut-Rhin, les gouvernements s'étant déclarés disposés à faire en cela tout ce que l'épiscopat désirait, mais avec la réserve que les études en théologie se fassent, comme cela a toujours été usité en Allemagne, aux universités. C'est contre cette dernière restriction que les évêques ont principalement toujours protesté.

5. Un dernier point à régler par un compromis entre les deux pouvoirs, concerne l'administration des biens ecclésiastiques et l'emploi de leurs revenus. Il règne à cet égard une grande confusion dans les idées. Les gouvernements, en vertu de leur droit de curatelle sur toutes les personnes incapables de régir leurs affaires de fortune, tel que les mineurs, les prodiges, les corporations, et autres, se sont chargés, de diriger l'administration de tous les biens ecclésiastiques, en respectant néanmoins la volonté des fondateurs. L'épiscopat, de son côté, réclame le droit de surveillance et de contrôle administratif sur tous ces biens, ainsi que l'administration libre et *sans contrôle* des caisses centrales créées par les gouvernements pour les intérêts généraux de l'Eglise catholique de leurs pays, la législation canonique ayant,

nairement que d'une année; il est destiné à l'étude de la liturgie et à l'initiation des candidats à leur saint ministère.

“Il n'y a point de petits séminaires; les études dites humanités se font, pour ceux qui se vouent à la prêtrise, soit aux collèges ou lycées ordinaires, soit aux écoles ecclésiastiques secondaires fondées et dirigées par le gouvernement; ces dernières ont des pensionnats, et leur professeurs et régents sont nommés sur l'avis donné par les évêques de leur capacité et moralité. Aux universités de Fribourg et de Tubingen il y a des pensionnats fort bien organisés et dirigés par des ecclésiastiques que le gouvernement choisit après s'être concerté avec l'évêque; on compte toujours dans ces pensionnats de 120 à 150 élèves en théologie, qui y sont pour la plupart nourris, habillés, et pourvus du nécessaire aux frais de l'Etat; les sommes destinées à ces dépenses sont portées au budget de l'Etat; de même que les subsides des pensionnats attachés aux écoles secondaires, et ceux qui s'appliquent à l'instruction des élèves reçus au séminaire; sous ce rapport c'est comme en France, où le gouvernement a doté de bourses les séminaires et les écoles ecclésiastiques secondaires.”

de même que le droit romain, attribué l'administration de cette sorte de biens à l'évêque.

Mais il est évident que c'est la question de la propriété de ces biens qui doit décider de leur administration. Il se peut qu'ils appartiennent à une corporation, par exemple, à une commune, à l'Etat, ou à l'institution elle-même, si elle jouit des droits de personne civile; il se peut aussi qu'ils appartiennent à une société de particuliers ou même à un seul individu; ce n'est *que leur destination, qui donne à ces biens le caractère ecclésiastique*. L'administration en appartient de droit à celui qui en est la propriétaire; donc, si c'est une corporation, elle sera soumise à la surveillance des autorités civiles.

Les gouvernements ayant créé les caisses centrales du culte catholique, non pas pour l'évêché, mais pour la population catholique de leur Etats, ils les ont fait administrer par des employés nommés par eux, et ont déterminé l'emploi des fonds, de manière cependant qu'il ne se fasse point sans le consentement de l'autorité ecclésiastique, et en lui permettant le contrôle des recettes annuelles. Si l'on veut cependant respecter le droit canon, en ce qu'il a de réellement applicable dans cette circonstance, il faudra à l'avenir confier cette administration à une commission mixte, ou que la source principale de ces fonds consiste dans les revenus de bénéfices vacants qui, selon les principes du droit ecclésiastique en vigueur, ne peuvent recevoir d'autre destination sans le consentement de deux autorités.

Dans le cas où l'épiscopat ne pourrait ou ne voudrait pas s'arranger sur ces points de contestation avec les gouvernements, ceux-ci seraient dans la nécessité et par là même en droit de trancher le conflit existant par une loi, que l'épiscopat devrait après tout respecter, s'il ne veut pas se rendre coupable d'actions criminelles. Il sera obligé d'agir de même à l'égard des autres articles qui forment l'objet de ses griefs. Ceux-ci sont de nature à être réglés exclusivement par l'Etat, vu qu'il ne s'y agit que d'actions extérieures de l'autorité ecclésiastique, et non essentielles pour le salut, telles que des processions en dehors de l'Eglise, de l'érection de couvents, etc. Ces affaires sont de deux espèces; les unes sont à régler par des lois *préventives*, les autres par des lois *répressives*. Certains actes, tels que ceux que nous venons de nommer, ne doivent à cause des inconvénients qui peuvent en résulter, être permis qu'avec l'autorisation pré-

alable des autorités civiles; d'autres, qui seraient de véritables abus de pouvoir, ne doivent pas être tolérés du tout: par exemple, la censure des lois et des ordonnances du gouvernement du haut de la chaire; l'interdiction des écoles publiques par l'évêque, à moins qu'on n'ait pas fait droit à ses plaintes bien motivées; l'excommunication de fonctionnaires publics, pour avoir exécuté les lois et les ordres légaux du gouvernement, etc. M. Laboulaye, dans un intéressant article, écrit à l'occasion de la lutte remarquable qui éclata en 1845 en France sur le maintien du Manuel du droit ecclésiastique de M. Dupin, a donné beaucoup de détails sur ces divers cas, tous également prévus par la législation française.* Quelques-uns de ces actes coupables sont traités fort sévèrement dans le code pénal de 1810, art. 199-207; la législation pénale de l'Allemagne est biens moins rigoureuse, et cependant l'évêque s'en est plaint fort amèrement. Les sermons, par exemple, que l'archevêque de Fribourg a ordonné de faire, auraient été défendus en France en vertu de l'art. 199 du code pénal; dans le grand-duché de Bade on n'a poursuivi que les prêtres qui s'y étaient permis des invectives et des calomnies contre le gouvernement.

B.

A PROJECT OF LAW PROPOSED BY PROFESSOR WARNKÖNIG CONCERNING THE EXTERNAL AF- FAIRS OF THE CHURCH IN THE PROVINCE OF THE UPPER RHINE.†

ARTICLE I.

The free administration of the government of the Church is guaranteed to the Bishop and his cathedral chapter. The measures he enacts are to be communicated to the Government; and in so far as the co-operation of the civil executive is necessary to carry them into effect, they are subject to the approbation of the reigning prince.

* Ed. Laboulaye (Membre de l'Institut, professeur au collège du France): "*De l'Eglise catholique et de l'Etat*," dans la *Revue de législation et de jurisprudence* de M. Wolowski, année 1845, t. i., p. 446.

† Extracted from Schletter's "*Jahrbüchern deutschen Rechtswissenschaft und Gesetzgebung*." Bd. I., Heft. 3, S. 249. Ann. (Erlangen 1855.)

ARTICLE II.

No public act of authority can be performed by an ecclesiastic, nominated to a benefice by a Bishop, or the administrator of a bishopric, without the sanction, express or tacit, of the sovereign.

ARTICLE III.

All examinations of students before reception into the seminaries for priests, and all the competitive examinations of ordained clergymen for appointments, shall be attended by a commissioner deputed by the Crown, who shall communicate to the Government his opinion of the abilities and moral worth of the candidates.

ARTICLE IV.

The *Titulus mensæ*, to be distributed and supplied from the moneys of the State, or from a general ecclesiastical fund, is guarantied to such candidates only as have been examined by the commissioner of the Crown, and found worthy of the same.

ARTICLE V.

The *Convictus*, or training institutions for future theologians, established by Government grants, as also the theological faculty in the universities, shall be under the inspection both of the State and the Bishop. No professor or master of such institutions shall be appointed without the consent of the Bishop.

ARTICLE VI.

The Catholic Ecclesiastical Funds formed from the revenues of vacant benefices or other moneys, are regarded as foundations of a corporate character made by Catholics for their brethren in religion. These moneys are to be administered by a Board, of which half the members shall be nominated by the Crown, and half by the Bishop, and the revenues of which can not be applied without the consent of the Bishop. The management of all local ecclesiastical funds and foundations is under the superintendence of the Government.

ARTICLE VII.

In cases where the co-operation of the civil power is required to execute a sentence pronounced against an ecclesiastic, it is necessary that the verdict, together with the minutes of the pro-

ceedings, should be submitted to the civil court which has cognizance of such matters. And the court shall not proceed to carry such sentence into effect until it have examined these documents and found them regular and valid in point of law; if it find the contrary it shall cancel the verdict.

ARTICLE VIII.

Religious instruction, in the primary and other schools, is under the exclusive superintendence of the Bishop: but in the secular instruction, he and his clergy shall take no further share than that assigned them by special regulations of the Government.

ARTICLE IX.

Every act of insubordination on the part of the Bishop or other clergyman to the laws of the State or the decrees of the Crown, as also episcopal injunctions issued with the object of compelling civil functionaries to lay down their office, or to refrain from fulfilling its duties, shall be punished by a term of imprisonment not under six months, or exceeding two years, and in case the offense be repeated the penalty shall be doubled.

APPENDIX TO LETTER VII.

DOCUMENTS RELATING TO THE RECENT PERSECUTIONS.

A.

THE PERSECUTION OF DOMENICO CECCHETTI IN TUSCANY.*

I.

SHORT NARRATIVE OF THE FACTS.

FLORENCE, March 30th, 1855.

ANOTHER Tuscan Protestant has been made to feel the vengeance of the Popish priests. Domenico Cecchetti was seized last Sunday morning at half-past four, hurried away from his children to the prison of the Bargello, condemned without any trial, without any witnesses, by the Council of Prefecture, to a year's confinement in the penitentiary of Imbrogiano, near Monte Lupo, whither he was conveyed in chains the next morning; the crimes for which he was consigned to a dungeon being, the possession of one Bible, in Diodati's translation, and two Testaments, and the avowal, when examined by the Chancellor of the Delegation of Santa Maria Novella, that he considered Jesus Christ the sole Head of the Church!

The circumstances which led to this arrest are so characteristic of the spy system now prevalent throughout Tuscany, that I make no apology for communicating them in detail. Domenico Cecchetti is a workman employed in the tobacco manufactory of Messrs. Emmanuel Fenzi and Co., the well-known bankers, who

* From the *Christian Times* of April 6, 1855, quoted in the *Journal des Debats* of the 23th May. Compare also the *Allgemeine Zeitung* of the 1st and 5th June.

have for years farmed this monopoly. He was one of the best workmen in the establishment, earning five pauls a-day, and enjoyed the esteem and confidence of his employers in the highest possible degree. His age is about forty-three, and as he is a widower, with four boys, of whom the eldest is sixteen, and the youngest six, there has devolved on him not only the task of maintaining his family, but of discharging all those domestic duties which are a mother's peculiar province. And those duties he has discharged so well, that his four boys are patterns of good conduct, and the whole neighborhood is wont to speak of Cecchetti's children as models of what children ought to be. The two eldest were already employed in the tobacco manufactory, where they, too, earned on an average a lira a-day each. Cecchetti lived on the first floor of a house in the Via Taddea, close to the tobacco manufactory. In another small apartment on the same floor was lodged a young man, the apprentice of a vintner in Borgo La Noce. He was struck by the good conduct of the young Cecchetti, and by the excellent and kind bearing of the father; and, in the course of conversation and familiar intercourse, at length learned that the father was in the habit of reading, with his children and his friends, *the Bible*. And in casual chat with his own master, he repeated this circumstance to him, expressing his belief that the Bible could not be such a very bad book after all, when it produced such happy fruits.

A few days afterward the vintner went to confession at San Lorenzo, and there mentioned to his confessor that his apprentice had been talking to him about Diodati's Bible, which he thought not so bad as it had been represented. The priest immediately interrupted the confession, and refused him absolution. Next day he met the Priest Baratti, the head curate of San Lorenzo, and one of the fiercest and most relentless persecutors of the Tuscan Protestants. "What is the matter with you," asked the Priest Baratti: "you seem so dull?" "Ah, Curate, no wonder; yesterday I was refused absolution." "Refused absolution!" rejoined the Curate, "impossible! refuse absolution to so good a Catholic as you! There must be some mistake; come to my house, and confess to me, and I hope it will prove nothing."

The vintner made his confession to Curate Baratti, and received absolution all snug and comfortable; and Curate Baratti lost no time in denouncing Cecchetti to the Tuscan police as

guilty of the crime of Protestant propagandism, and requiring them to watch over his proceedings, and, if possible, to seize him in the act.

Accordingly, some three months ago, four gens-d'armes suddenly entered Cecchetti's house, about nine o'clock in the evening. They expected to have found him, in company with other inquirers, reading the Scriptures; they found only another fellow-lodger named Ciolli, who had come to repay Cecchetti the sum of five pauls, which he borrowed from him on the previous day. But they seized and carried off in triumph one copy of Diodati's Bible, and two copies of the New Testament.

Cecchetti heard nothing more of the matter for nearly ten weeks. On the morning of Wednesday, the 10th instant, he received an order to appear before the Delegate of Santa Maria Novella on the afternoon of the same day; then and there he was examined by the Chancellor of the Delegation, and required to declare why three copies of Diodati's Bible and Testament were found in his possession. "Indeed, Signor Delegato," was the answer, "I only wish there had been five instead of three, for there are five of us, my four boys and myself, and we require a Bible a-piece." The Cancelliere successively interrogated him as to his opinion on mass, confession, the authority of the Pope—on all which points he expressed his opinion without reserve. He replied, that Jesus Christ had been *once* offered up as a sacrifice for the sins of mankind; no further sacrifice was or could be wanted. He said, "As for confession, when I have sinned, it is my duty to confess my sin, first to Almighty God, and implore his pardon; then to my brother, if I have acted wrongly against my brother: to you, Signor Cancelliere, for example, if I have offended you. As to the Pope being Head of the Church, I know," he said, "no headship but that of Jesus Christ. The Pope is—a constituted authority, like you, Signor Cancelliere." * * * But though he spoke thus freely on some matters, neither wheedling nor bullying could induce him to reveal the name of one of the Christian brethren with whom he read and discoursed upon the Scriptures. His answer invariably was: "On all points regarding myself, I will answer you without the slightest reserve; but questions likely to commit my friends I can not and will not reply to." The Cancelliere, finding the attempt hopeless, then read over the minutes of the examination. Cec-

chetti himself perused it, and signed the same; and so, for the time, the affair terminated with the dismissal of the accused. The paper thus obtained was submitted to the Council of Prefecture, which, on the avowals it contained, sentenced Domenico Cecchetti to a year's imprisonment in the Penitentiary of Imbrogiano.

On the morning of Sunday, the 25th, the gens-d'armes were charged with the execution of the sentence. They entered the house of Cecchetti at half-past four, and told him that they had been sent to convey him to the Bargello, from whence he was not likely soon to return. Hastily kissing his four boys, he bade them farewell, leaving them to the care of Him with whom is strength and wisdom, and whose are both the deceiver and the deceived. On the following morning he was met, at a quarter to seven, guarded by two gens-d'armes, and heavily ironed, pale, but calm, on his way to the Leghorn railway, by which he was to go to Monte Lupo.

II.

COPY OF THE DECREE OF THE PREFECTURE OF FLORENCE, condemning Domenico Cecchetti to a year's imprisonment in the House of Correction.

(From the *Christian Times*, May 18, 1855.)

The Delegation of Government of the Quarter of San Maria Novella, intimates to Domenico, son of the late Pietro Cecchetti, a widower, having children, cigar workman by profession, the integral copy of a decree issued against him by the Council of Prefecture of the Compartment of Florence, in the sitting of the 21st of March, 1855.

The most illustrious gentlemen, the Cavaliere Prefetto, and the Counselors of Prefecture of the Compartment of Florence having met in full number, having seen the legal proceedings communicated by the Delegation of Government of the Quarter of Santa Maria Novella, against the said Cecchetti for irregular conduct in matters of religion;

Considering that on the evening of the 16th December, 1854, the public force having proceeded to make a perquisition in the house of Cecchetti, found him in the company of Ciolli, and of two of his own sons, seated at a small table, on which there was lying

open a copy of the Bible translated by Diodati; another copy, shut; a third being found in the drawer of the said table;

Considering that the possession of these books and of certain papers (though pronounced by the judicial authorities to furnish no grounds for legal proceedings) nevertheless occasioned the communication of the facts to the administrative functionaries of the Government, by whom the existence of the said facts has been fully verified;

Considering that while, from the inquiries made by the Government, no special charges of any weight have resulted respecting Ciolli, Augrisoni, and more particularly Veltroni, numerous details have been obtained regarding Cecchetti, who has openly avowed that he holds principles quite contrary to the Catholic religion—principles which are, in fact, identical with the Calvinistic faith;

Considering that the conduct of Cecchetti is still more blameable, from his custom of communicating to others his peculiar religious ideas, and from his own admission that he had not taken the proper steps for making the eldest of his four sons, who is 17 years of age, comply with—as in fact he has not complied with—the duties imposed by the Roman Catholic Church, and the rites of the Catholic religion; that, on the contrary, he procured for both his eldest and his second boy a Bible each, adding, that he would have done the same for his other two sons had he been able to obtain the books;

Considering that it equally results from the inquiries made, that on certain fixed evenings there met at Cecchetti's house persons not belonging to his own family; and there is just reason for believing that such meetings were held for the purpose of propagating the anti-Catholic ideas entertained by the accused, Cecchetti having himself confessed, that while reading the Bible according to his constant custom, there have been present not only the members of his own family, but persons unconnected with the same; and that he did not refuse to give, but actually held it to be his duty to impart explanations on religious subjects to those who asked him;

Considering that in this state of matters it appears necessary that the efforts of Cecchetti to damage the Roman Catholic religion be rendered ineffectual, and that the Government authorities are bound to take steps for the prevention of further mischief;

for these reasons, having seen the articles of the law of November 16th, 1852, the Council hereby decree that Domenico Cecchetti be condemned to imprisonment for one year in the House of Correction.

III.

SCENE IN THE PRISON.—(From the same.)

Cecchetti's eldest boy was allowed to visit him last Sunday in his prison at Imbrogiano. He was greatly shocked at seeing his father in the coarse prison-dress which by the rules of the establishment he was compelled to wear; but Cecchetti assured him that in general he had no cause of complaint; that he was well treated, both by the Director and all the officers of the jail. The Director, indeed, exhibited the greatest kindness to the boy himself; but the head inspector, I regret to say, did not manifest the same kindly feelings. "It serves him right," he said: "what business has he to mix himself up with the Protestant Propaganda and abandon the religion of his fathers? And then he is so obstinate: we have tried to make him comply with the religious ceremonies of the house; but we have now given it up as a hopeless task." And on Cecchetti addressing a few words of comfort and exhortation to his poor boy, and telling him to hold fast to the principles in which he had brought him up, he at once interrupted the conversation with the remark—"We can allow no talk of this kind in the prison."

B.

THE PERSECUTION OF JOHANNES EVANGELISTA BORCZINSKI, LATE LAY BROTHER OF THE ORDER OF BRETHREN OF MERCY IN PRAGUE.

I.

CONNECTED NARRATIVE of what has actually taken place, drawn from authentic sources. (Written in Breslau, May 29th, 1855.)

The "*Zeit*" of the 13th of this month, and since then, several other papers, have already related an occurrence in Bohemia

which is making the greatest sensation in our province. It is the *persecution* of the Bohemian monk Johannes Evangelista Borczynski, on account of his conversion to the Protestant Church; a persecution which far surpasses in odiousness that of the Madaia and Cecchetti, because the latter were at least assumed to have transgressed certain forms of law, while Borczynski has acted under the protection of an unrepealed statute, and his persecutors are direct violators of the law.

Borczynski, a graduate in surgery and accoucheur, was a Brother of Mercy, and provisional head physician in the convent of that Order at Prague. For seventeen years he had belonged to that Order, and had had ample opportunity of becoming acquainted with its internal abuses. His own meditations forced on his mind the untenableness of the doctrine of justification by works, and in the lessons from Holy Scripture which he read from the Breviary, he found a complete confirmation of his doubts. Thus he became a Protestant, *without any external influence whatever*, nay, even without having been able to read the Holy Scriptures, the study of which was forbidden him. Convinced by the fact of a recent reform in the Order, being wholly limited to its external proceedings, that no improvement could be expected from Rome, he resolved formally to secede from the Romish Church. Conversion from the Romish to the Protestant Church is, up to the present day, sanctioned by the law of Austria. The only stipulation attached to it is that the convert should announce his change of religion to the minister of his parish in the presence of two witnesses, and that the clergyman of the Protestant congregation which he joins should furnish him with a certificate of his reception into that body. *Never has this legal privilege been repealed or modified in the case of the secular or monastic clergy.* Borczynski, therefore, acted simply in accordance with the law when he made this change. Nevertheless, he was unable to find any Protestant clergyman in Bohemia who had the courage to receive him, as all feared that a law might be applied to them which punishes illegal proselytism with a term of imprisonment not exceeding four years. Borczynski therefore entered the Protestant Church in Prussia. On occasion of his removal to a house of the Order in Tetschen, he made the required announcement before the Romish parish priest, notified his intended change to the superiors of the monastery in Prague,

and the Provincial of the Order in Vienna, and crossed the frontier into Prussia. On the 17th of January, 1855, he formally declared his accession to the Protestant Church, receiving the Holy Communion in both kinds in the parish Church of St. Peter and St. Andrew, at Petershain, near Niesky, from the hands of his fellow-countryman—himself a convert—Pastor Nowotzki, who gave him the certificate required by law.

Borzynski had already been warned not to return to Austria; but, confiding in the purity of his conscience and the ^{St.} justice of his Government, he disregarded this warning.

A plot had been laid against him, however, from the moment of his declaration before the priest, and he was obliged to live in concealment in Moravia, until at the end of February, he was betrayed by agents of the police to the gens-d'armes, who arrested him and conveyed him back to his monastery in Prague. It is true the secular arm had not been put in motion by its own will, but had acted at the demand of the ecclesiastical authorities; but it had not refused to treat as a criminal a man who had done nothing but what was allowed by law. Borzynski is at the present time in the monastery at Prague in strict confinement, from which he has no hope of release, unless he abjures the Gospel, or unless the Imperial Government takes him under its protection against his persecutors. But how can we venture to hope for his liberation when we know that another priest who was converted to the Protestant faith, Joachim Zazule, has been confined in the same convent for *twenty years*, and is treated as a lunatic because he will not recant?

Strict as is the confinement of Borzynski, the mode in which he has been treated has been made no secret of. If it reached the light in no other way, it would become known by the triumphant speeches of the other monks. Immediately after his consignment to the convent in Prague, he was placed in a solitary cell, next to the cells appropriated to the insane, and examined by the Co-visitor of the Order, the Canon Dittrich, who, after vainly trying to make him sensible of the greatness of his crime (he represented to him that it was a worse sin than if he had absconded from the convent with ten thousand silver florins), placed him in absolute solitude, deprived him of all his books, even those on medicine, and forbade him any but the poorest diet. Lastly, the Canon carried the matter before the Primate

of Hungary, Cardinal Leitowsky, at Gran. But ere the decision of the Primate arrived, Borczynski's position had altered for the worse. During Passion Week he had petitioned the Canon Dittrich for permission to receive the communion from an Evangelical clergyman. As a punishment he was thrown into another prison, doubly locked, and in perfect darkness, with the cells of two madmen beside it, and the cesspools of the convent opposite, and was placed on a diet of bread and water. The decision of Cardinal Leitowsky ran thus:—The strictest confinement, with days of fasting and penance; the fast-days to be Monday, Wednesday and Friday, on bread and water; and the prisoner to be visited by an ascetic priest: the result to be reported to the Cardinal. Such has been the treatment of Borczynski since that time, only that after two fruitless visits the ascetic priest had not returned. Those who know the poor prisoner describe him as an upright conscientious man and able physician, who had long been a thorn in the side of a large portion of the Order, because he took up the cause of the patients, and had endeavored to check the peculation of the convent funds. The fear that, if set at liberty, he might publish his experiences of the proceedings within the convent seems to be one principal reason of his persecution. The more well-disposed monks pity him, but have no power to help. Thus does the Romish clergy respect the laws of the Empire!

II.

ORAL DEPOSITION OF THE PRISONER.

8th of April, 1855.

When Passion Week was approaching, I felt myself bound, as an Evangelical Christian, to perform the devotions belonging to that season in the Protestant Church, as far as it might be possible for a prisoner to do so. On the third of this month, therefore, I besought the Prior, when he came to see me, that I might be permitted to attend the Evangelical Church of the Augsburg Confession on certain days, or that, at least, I might receive a pastoral visit from a clergyman of that Church. The Prior answered that I must apply by letter to the Canon Dittrich, which I did as follows, word for word:

“REVERENDISSIME DOMINE, DOMINE CANONICE,

“Since the sacred duty is incumbent on me, as an actual member of the Evangelical Church of the Augsburg Confession, to attend the prescribed services and

devotions during the present Holy week, and to strengthen my soul unto eternal life by receiving the Holy Communion, I hereby humbly entreat that your Highness and Grace may be pleased graciously to permit me, either personally to attend the Evangelical Church in this place, once in the day, on Holy Thursday, Good Friday, Easter Sunday, and Easter Monday; or, in case it should be impossible to grant me this permission, to allow me to send a letter to one of the clergymen of the same Church, by any messenger who may be appointed me, asking him to pay me a pastoral visit in my prison; in order that my present confinement in the convent may not be the cause of depriving me wholly of the means of grace. Repeating once more this my most earnest entreaty, I subscribe myself, with the deepest reverence and submission to your Highness and Grace,

“JOHANN EVANGELISTA BORCZYNSKI,

“*Late Member of the Order of Brethren of Mercy.*”

On the fourth of this month the Brother Beda Fickerle came into my room with the Prior, and brought me the following answer, which was spoken in an ironical tone:—The Canon sent word that he was glad to hear that I wished to do penance, and that I should be put on bread and water, and assigned another room, darker than my present one, and provided with a padlock as well as an ordinary lock: in short that I should be treated like the commonest felon—for he said my conversion was a greater crime than if I had absconded from the Order with 10,000 silver florins. Also, the Canon said, that if I believed myself to be a Protestant, I still should not give cause for provocation. So I resolved to say no more for the future; but I hope that every Christian must approve my desire to hear the Word of my Evangelical Church, and receive the Holy Sacrament—means of grace from which the commonest criminal is not debarred, while I was even punished for desiring them; and the remark was added, that I must wait until the Primate of Hungary should have decided on my ultimate fate. I ask, what power has the Primate of Hungary over a Protestant Christian at all, still less to inflict further punishment, with which I am constantly threatened?

You ask whether I am lodged with the priest, Father Joachim Zazule, who has already been confined here twenty years? We are never permitted to exchange a word, because his Protestant views are known to all here. No one may visit me—not even my own brother. My only companions are God and the dark walls around me.

LETTER FROM * * * *

9th April.

The prisoner is now more harshly treated than ever, because he besought the Canon Dittrich that he might be allowed to hear

the Word of God and perform his Easter devotions in the Evangelical Church during Passion Week and Easter. Should this state of things last long he must succumb, if only on account of the impure and pestilential atmosphere which he is forced to breathe. But this is not enough. After the holidays he is to be placed in an even worse cell than the one he at present inhabits. From hints that have escaped, it seems they would rather ill-treat him, so that he should sink under it, than suffer him to be released. The cell which he is now to enter is very dirty, and full of the most horrible exhalations. Next to him are two of the lowest idiots, who are perishing unconsciously in their room in their own filth. These poor creatures have sunk below the level of the brute beasts, but are, indeed, much to be pitied. Two steps from the door of the den into which he is to be thrown are the cesspools, which stand open the whole day. Thus he is to be slowly destroyed.

FROM THE PRISONER HIMSELF.

Prague, April 25th.

Every hour in my horrible prison seems an eternity to me, and for nine weeks already have I sat in my cell, deprived of all occupation, except prayer and converse with God. The decision of the Primate of Hungary on my fate came, indeed, quickly enough. It ran: "The strictest confinement, with days of penance and fasting—the latter to be Mondays, Wednesdays and Fridays, on bread and water; an ascetic priest to visit the prisoner. The result to be communicated to the Primate." These means were esteemed the most likely to succeed in re-converting me. The office of the ascetic priest was assigned to the Carmelite Father, Ambrosius Käs, and, when he declined it, to the Knight of the Cross, Father Hawraneck, who visited me for the first time on the 23d of April. I told him at the outset that he must not think it amiss of me if I told him, once for all, that he would only waste his time and pains, and that I would rather allow myself to be tortured to death than recant, and that however often he should come, I could give him no further answer, etc. He said nothing this time, but will come again. Hardly had he left me, when the parish priest of the Church of the Holy Ghost visited me again; but departed without having accomplished his object, and will probably come no more. My prison sufferings,

it seems, are not enough—I must be tortured in this manner too! May the faithful God take pity on me, and soon release me!

I must also mention that I am writing this letter by night, and in the greatest danger; and it is hardly likely that I shall be able to write again, for my two friends and servants are also threatened with imprisonment if they help me to hold the slightest communication with any one. The persons connected with the household are all searched when they enter or leave the house, and are threatened with the loss of their situations if they carry away any thing for me, or bring me any thing. From this you will see that, under such circumstances, it will be scarcely possible to write to you again. Should the Saviour Jesus Christ lead me, as he once led Peter, out of prison, you shall have a circumstantial narrative of all. Daily, when I awake, I wonder whether perhaps that most happy day may not have dawned on me, when God will send his angel to lead me out of my prison. Oh, with what longing do I look forward to a day that will be ever memorable to me!

In case, then, that some time should elapse without any letter from us, I trust you will bear in mind what has occurred already, and will kindly continue to labor for my release.

EXTRACT FROM A LETTER BY * * * *.

20th May, 1855.

In this case the proverb is exemplified that a man in need is forsaken by his best friends. Even those who were in favor of his conversion, and rejoiced over it, now say that it would be better for him to recant, which, however, is not to be thought of, for his convictions are as firm as a rock. He is bitterly tormented. The superiors say, "If it had been some other man, who had conducted himself improperly within the Order, they would not have troubled themselves at all about it; but this is not the case with Johann Borczyński, so they can not allow the affair to blow over." This was said on the 20th of April by the Prior of the convent to the father of the prisoner, who had come to Prague to see whether the accounts of his son's ill-treatment, which he had heard from strangers, were true. The poor father was forced to behold it for himself with weeping eyes, when he found his son confined among idiots. What pain to a father to see his son shut up, while perfectly sound of mind, among idiots!

The next day the Prior wished to take the father to Canon Ditrach, that the latter might persuade him to use his influence to make his son recant. But the old man, now eighty years of age, would have nothing to do with it, and set off the same day for his home.

These are our last news, since which we have heard nothing of this steadfast confessor and captive.

EXTRACT FROM A LETTER OF THE PRISONER, WRITTEN IN "THE PRISON OF THE ORDER OF THE BRETHERN OF MERCY."*

Prague, June 25th, 1855.

My sufferings seem as far as ever from their end, though I have already languished four months a captive in the prison of the Order. On the 10th of June, the Father Hawranek again visited me with the Prior. Both made me the bitterest reproaches for having left the only saving Church, and gone over to the "impious faction" for help. On the 20th of this month, an officer of police came to me with the Prior, looked round my room, and went away without having addressed a single question to me. On the 24th, the Prior came again, and I besought him repeatedly that I might be allowed to write some medical prescriptions for myself, that my health might not be entirely neglected. The Prior answered shortly, that it could not be allowed—all the less because some scandalous things about the Order had got into the newspapers. This they do not like; but to torture an innocent man to death, and then say, "Our Almighty God has punished him," is quite right in their eyes; and that this is their intention toward me I can not but conclude and assert, from the treatment they employ. I can not even have my most necessary articles of clothing repaired when they are torn without entreating for "gracious permission," although I pay for it myself; and then it passes through several hands.

I have already been unwell several times, in consequence of their treatment, and must be constantly prepared for fresh sufferings; but I hope and pray to God that He will put to shame the designs of my enemies.

JOHANN EVANGELISTA BORCZYNSKI.

* Taken from the *Frankfurter Journal* of the 17th July. Supplement.

C.

THE MOST RECENT LEGISLATION OF AUSTRIA ON
ECCLESIASTICAL AFFAIRS.

I.

IMPERIAL LETTER PATENT OF THE 31ST OCTOBER, 1851.

In this Public Letter, the Emperor of Austria, while repealing the Constitution of the 4th of March as endangering the unity of the Empire, and likewise the so-called Fundamental Rights as incapable of being carried into practice, proclaims the following as law for all the countries under his crown :

“We nevertheless expressly declare, that we will uphold and protect every church or religious body recognized by law, in the exercise of its rights; first, of common *public* religious worship; secondly, of the *independent* regulation of its own affairs; thirdly, of the possession and enjoyment of the institutions, foundations, and funds appropriated to its special worship, and works of instruction and benevolence; such institutions remaining as heretofore subject to the general laws of the State.”

II.

PROVISIONAL ORDINANCES ON ECCLESIASTICAL AFFAIRS, DECREED ON THE 30TH OF JANUARY, 1849, PRIOR TO THE CONSTITUTION WHICH HAS SINCE BEEN REPEALED.

I. The members of the allied Protestant Confessions in Austria, who have hitherto been comprised under the term of non-Catholics, are henceforward to be designated, in all official documents, as “Evangelicals of the Augsburg, or Evangelicals of the Helvetic Confession.”

II. Conversion from one Christian Confession to another is free and open to every person who has passed his eighteenth year, under the observance of the following regulations:—The intending convert is bound to announce his purpose to the pastor of the congregation to which he has hitherto belonged, in the presence of two witnesses, chosen by himself; and, at the end of four weeks, to make another declaration to the pastor of the same

congregation, in the presence of the same or other two witnesses, also chosen by himself, that he abides by the same intention. The pastor is bound to give the intending convert a certificate of each of these declarations. Should the certificate be refused on any ground whatsoever, the witnesses are empowered to furnish it. These two certificates are to be shown by the convert to the pastor of the congregation which he wishes to join; whereby the act of transition is completed. All previous regulations with regard to change of confession, are declared void.

III. Registers of the ecclesiastical acts performed by them on occasion of births, marriages, and deaths, shall be kept by the pastors of all Evangelical congregations of the Augsburg and Helvetic Confessions, and extracts from these registers, made under their supervision, shall possess the same legal validity which is given to those of Catholic pastors.

IV. Surplice fees, and other dues, whether of money or natural products, paid for clerical offices by Evangelicals of the Augsburg and Helvetic Confessions to the Catholic clergy, are abolished; except where they are demanded for clerical offices actually performed by Catholic pastors, or when they are taxes in kind charged on real property. The same is enacted of all fees due to the sacristan.

V. The fees paid in many places by Evangelicals of the Augsburg and Helvetic Confessions to Catholic schoolmasters shall cease, wherever the Evangelicals have their own schools, and do not send their children to Catholic schools.

VI. In case of marriages between non-Catholic Christians, the banns shall be published only in the public assembly for religious worship of the betrothed parties; in case of marriages between Catholics and non-Catholics, the banns shall be published in the respective churches of each party; and schedule 71 of the civil code on this point is hereby repealed.

D.

REPORT OF THE RECENT PERSECUTION OF A PROTESTANT FATHER IN FRANCE.

A very estimable officer of the French army, in actual service, Captain G——, was declared, by the decision of a family council,

unworthy longer to have the legal guardianship of his two children, who were minors, being six and eight years of age. The same council also determined to withdraw the children from the care of their father, and intrust them to that of another guardian.

The father refused to yield obedience to these violent measures. In order to force him to surrender his authority over his children, the family council summoned Captain G—— before the civil court of the city of Orleans, the seat of the guardianship. Here is the official copy of this legal summons literally given :

“In virtue of Article 444 of the Codex Napoléon; and whereas, according to the express words of the same article, those persons are excluded from the office of guardian, or may be deposed from the exercise thereof, whose management testifies unfaithfulness or incapacity;

“Whereas the word management applies to the moral as well as to the material interests of the wards; so that an incapacity takes place on the part of the guardian, when he is unable to conduct or watch over the education of the children, or when he conducts it in a manner prejudicial to their moral interests; which circumstances exist in the present case;

“Whereas Captain G——, after having hitherto educated his children in the Catholic Church, has now the full purpose to give their religious education another tendency, according to the principles of the Protestant Confession;

“Whereas the deceased mother of these minors belonged to the Catholic religion, which is also that of the whole family, and the change of religion purposed by Captain G——, will dishonor the memory of the mother, and separate the children from their family, and constitutes, moreover, an interference with the consciences of the children, which is an abuse of the paternal authority,”
etc., etc.

The family council which came to this resolution took place on the 4th of August; and the father is summoned to appear on the 27th. To furnish a pretext for this haste, it is stated in the summons, “that it is imperative for the welfare of the children to obtain the legal confirmation of the family decision, in order that they may be withdrawn as soon as possible from the new religious tendency which has already begun to be given to their education.”

The facts of the case are as follows :

Four years ago the first wife of Captain G——, the mother of the children in question, died after a marriage of five years. Five years ago a pastor of Alsace gave Captain G—— a New Testament, and made those first impressions on his mind which determined him, two years later, to withdraw from the Roman Catholic and attach himself to the Protestant Church. His two children at that time were—the one five, the other three years

old. By this we may judge of the value of that assertion of the family council, "that an interference had taken place with the consciences of the children which constituted an abuse of the paternal authority."

The father acts upon his rights from conscientious motives. He is no longer a member of the Romish Church, but professes the Evangelical doctrines of the Augsburg Confession; and as such has contracted, eight months ago, a second marriage with a pious and estimable Protestant lady. He lives at home in accordance with his religious profession, with the young children given him by God, and provides for their education in virtue of the paternal rights recognized by the State. But because he does so—because he acts as every conscientious head of a family must do—he is to be declared by a court of justice to have forfeited his paternal rights, as much as though he had committed a breach of trust, or were a lunatic, incapable of possessing legal rights; he is to be pronounced unworthy to educate his own children!

This is the case as it stands at present. How far is it from such a case to the murder of Jean Calas? This attack on Captain G—— threatens every father of a family in France.

The celebrated jurisconsult, M. Bethmont, the President of the Society of Advocates, has undertaken to conduct the defense of the father. As, however, the ill-health of the latter has obliged him to visit the baths, he has petitioned for a delay, which has been accorded. This case will, therefore, come under discussion after the autumn vacation. It has excited a great sensation, and throughout France all the fathers of families, whatever may be their religious views, who are earnestly intent on preserving their duties and rights, and especially all Protestant believers, are awaiting the issue of the transaction in the most anxious suspense. The latter rely on the justice of the courts of law, but they see clearly how far the aims of a certain number among the antagonists of their Church would carry them.

The first question which arises on such a manifestation of that spirit which led to the massacre of St. Bartholomew, but whose re-appearance had seemed impossible since 1789 and Napoleon, is this—*Will any court in France declare itself competent to entertain such a question?*

(Compare, with regard to this unprecedented attack, the article by M. Sylvestre de Sacy in the *Journal des Débats*.)

APPENDIX TO LETTER VIII.

THE ECCLESIASTICAL MAGNA CHARTA OF PRUSSIA, OR THE ARTICLES OF THE PRUSSIAN CONSTITUTION OF THE 31ST OF JANUARY, 1850, TOUCHING ECCLESIASTICAL AFFAIRS.

ARTICLE XII.

The liberty of religious confession, and of union in religious societies, or of social worship, domestic and public, is guarantied. The enjoyment of civil and political rights is independent of religious creed. No damage shall accrue to the civil and political rights of any individual from the exercise of religious liberty.

ARTICLE XIII.

Those religious societies or clerical bodies which have no corporate rights, can obtain such rights only by means of special laws.

ARTICLE XIV.

The Christian religion is made the basis of those regulations of the State which are connected with the exercise of religion, without prejudice to the religious liberty guarantied in Article XII.

ARTICLE XV.

The Evangelical and the Roman Catholic Churches, together with every other religious society, regulate and administer their affairs for themselves, and remain in the possession and enjoyment of the institutions, foundations, and funds, destined for the maintenance of their worship, schools, and works of charity.

ARTICLE XVI.

The intercourse of religious societies with their superiors is unrestricted. The publication of ecclesiastical ordinances is subject only to the same restrictions as all other public announcements.

ARTICLE XVII.

With regard to Church patronage, and the conditions under which it may be abrogated, a special law shall be issued.

ARTICLE XVIII.

In appointments to ecclesiastical offices, the right of nomination, proposal, election, and confirmation, in so far as it appertains to the State, and not to private patrons on special legal titles, is abolished. From the provisions of this regulation are excepted the clerical appointments to the army and public institutions.

ARTICLE XIX.

The introduction of civil marriage will take place in accordance with the provisions of a special law, which will also regulate the mode of civil registration in general.

APPENDIX TO LETTER IX.

EXTRACT FROM THE TRANSACTIONS OF THE EVANGELICAL KIRCHENTAG HELD IN BERLIN IN SEPTEMBER, 1853.

Second Sitting of the 21st September. President, Professor Stahl, Member of the Supreme Ecclesiastical Council.

ON THE CONDUCT OF THE CHURCH TOWARD DISSENT AND SECTARIANISM, ESPECIALLY WITH REFERENCE TO THE BAPTISTS AND METHODISTS.

The gentleman appointed to draw up a report on this subject, Dr. Snethlage, Member of the Supreme Ecclesiastical Council, sums up his view in the following five theses:

- "I. The Church ought to have neither the will nor the power to coerce or oppress, by external means, separatists and sectarians who, on any pretext of liberty or purity, take offense at her, and reject or regard as indifferent either one or all the means of grace, all the ordinances of the Church, or merely the regular office of the ministry.
- "II. So long as a separation is only impending, or a sect only in embryo, or so long as merely individual members of the Church betray a leaning toward the leaders or propagators of such sects, or, perhaps, also attend their meetings, no steps are to be taken except in the way of pastoral care, of special pastoral visits, instruction, and testimony; but if circumstances require, it will also be right repeatedly to draw the attention of the congregation at large to the danger menacing them, and to warn them against the seductions of error.

“III. A different course is to be pursued toward the families and persons belonging to schisms which have definitely taken place, and sects which have assumed an independent existence.

“They are not indeed to be forsaken temporally or spiritually in their distresses, nor are their petitions to be utterly disregarded; but the Church must give them to feel that by their acts they have forfeited the right to brotherly communion on equal terms, so that it is necessary and right, even for their own sakes, to deny them the blessings and privileges of the Church, should they nevertheless for any reason lay claim to them, so long as they continue to deny her authority.

“IV. Whoever, therefore, from declared sectarianism, should withdraw his children from catechetical instruction in the Church, can lay no claim to have them confirmed in the Church. He who rejects infant baptism can not reckon himself as one of her communicants. He who does not choose to belong to her communicants, nor to recognize the authority of her ministers, can not claim from her the rites of marriage and Christian burial. Least of all, can it be allowed that a clergyman or schoolmaster, a sacristan, a precentor, an organist, should continue to retain and exercise his office after he has joined a schism or a sect.

“V. But, above all, the true and effectual counteraction to dissent and sectarianism will consist in the endeavor of the Church to satisfy, by suitable means, the profound need of the human heart for Christian communion and fellowship, and for the mutual co-operation of the living members of the Congregation; and in her making it her object to turn to the greatest possible advantage their many powers and gifts to the edification of the community. For it is especially in these points that the power and attractiveness of the minor sects consist.”

Dr. Sack, of Magdeburg, a Consistorial Counselor, remarks on the fourth thesis of the Report: “Hence the Baptist party, whom we can not call sectarian, although they, erroneously as we believe, reject infant baptism, ought not to be excluded from the Lord’s Table in our Churches.”

Professor Lange, from Zurich (now of Bonn), wished to make

the following addition to the theses: "The sects are a sign of some definite malady in the body of the Church, and of the corresponding curative impulse."

General-Superintendent Büchsal, of Berlin, agrees with this view, and says: "There exists one means for the clergy to avert dissent; go into thy closet and fulfill the duties of thy office more zealously than heretofore. This is the only course which can be advised."

Bishop von Käpff (from Stutgardt) declares himself all the more entirely in accordance with the theses of the Report, as they have been carried into practice with good effect in his native country of Wurtemberg. All that the Report desires has been already, for a considerable time, carried out in practice there; and experience has proved that the numerous meetings held, and societies existing in that country, are the safety-valves which avert dissent. Further, it has been everywhere found in Wurtemberg that kind and brotherly treatment, and Christian intercourse, have the effect of bringing back schismatics to the Church; while harsh treatment has led to their separating themselves altogether from her communion.

Upon this the President, Dr. Stahl, says, that no dissentient voice had been raised against the theses of the Report. The proposal of two of the speakers, "that Baptists, *i. e.*, those who reject infant baptism, ought not to be refused admission to the Lord's Supper if they desire it, and are separated from those of their own denomination," was liable to the following grave objection: "Did it become the evangelical Church to enter into the closest bond of Christian fellowship, by partaking of the communion with those who in such a glaring manner rejected her doctrine?"

With regard to the theses themselves, the President added:

"I must, for my own part, beg you to observe further, that there is *one* aspect of the matter which has not been exhausted by the Report; namely, the question of coercive measures. The reporter says, very justly, that the Church *can not compel* any to remain within her pale, and that *it must be left to the State to decide whether or not to use constraint where its own order and laws may require it*. But he overlooks a third aspect, in which the question may present itself—whether it is not the business of the State to resort to measures of coercion, not for the sake

of its own order, but for the protection of the Church. If a Christian governor turns to the Evangelical Church and says—'I demand from thee a decision; thou must derive it from the Word of God and the depths of thy own religious knowledge. Shall I do nothing whatever for thy protection? Of course it is understood that I constrain no one by violence or force of arms to remain in the Church. But shall I allow sects of this kind to lead away thy members into apostacy by colporteurs and similar agencies? Shall I allow that even from foreign countries missionaries shall be sent out to plant sectarianism in thy very midst? Shall I thus allow all persons indiscriminately to exert intellectual influence upon each other unimpeded, or shall I recognize that the Church of whose rightful claims I have the certainty is committed to my hands for external protection? I will make no decision on this point, for opposite views are possible.' I have only made these few remarks *lest it should appear as if the question of the relation of the State to the Church were entirely exhausted and set at rest by the declaration, that the Church can not apply any means of coercion; and hence the Kirchentag should seem to have declared against all protective measures on the part of the civil power.* I perfectly concur with the gentleman who has brought up the Report, that the Church must bethink-herself seven times before she petitions the State to make use of any external force for her protection."

APPENDIX TO LETTER X.

LEGAL DOCUMENTS AFFECTING THE UNION.

A.

ROYAL CABINET ORDER OF THE 27TH OF SEPTEMBER, 1817.

My illustrious forefathers, now resting in God, the Elector John Sigismund, the Elector George William, the Great Elector King Frederic I., and King Frederic William I., have with pious solicitude, as is proved by the history of their reigns, bestowed their earnest attention on the subject of uniting the two separate Protestant Churches, the Reformed and the Lutheran, into one Evangelical and Christian Church throughout their dominions. Honoring their memory and their wholesome purpose, I gladly follow in their footsteps, and desire that a work so well-pleasing to God, but which encountered insuperable difficulties in their days from the unhappy sectarian spirit then prevailing, may be brought to pass in my States, to the glory of God and the welfare of the Christian Church, under the influence of a better spirit, which looks not to non-essential points, and cleaves to those main truths of Christianity in which both Confessions are agreed; and I further desire to see the first steps taken to this good work, on occasion of the approaching Tricentenary of the Reformation. Such a truly religious union of the two Protestant Churches, now only divided by outward differences, is in harmony with the great objects of Christianity; it corresponds to the earliest views of the Reformers; it is inherent in the spirit of Protestantism; it promotes a religious spirit; it aids domestic

piety; it will become the source of many desirable reforms in Church and school, which have been hitherto prevented only by the difference of the Confessions.

Such a union, long desired and now called for more loudly than ever, yet which has been so often attempted in vain—a union in which the Reformed Church shall not go over to the Lutheran, nor *vice versâ*, but both shall form a revived Evangelical Christian Church in the spirit of their holy Founder—will encounter no insuperable obstacle, if only both parties earnestly and sincerely come to desire it in a truly Christian spirit. If really the offspring of such a spirit, it would be a worthy expression of our thankfulness to Divine Providence for the invaluable blessing of the Reformation, and a suitable mode of honoring in act the memory of its great founders, by continuing their immortal work.

But while I can not but earnestly wish that the Reformed and Lutheran Churches in my dominions may share this, my well-considered conviction—esteeming, as I do, their rights and liberties, I am far from desiring to press it upon them, or to make any regulations or determinations in this matter. For a union will only possess a real value if it be not the product of persuasion or indifferentism; and if it be a union, not merely in outward form, but having its roots and vital energy in the oneness of hearts, in harmony with genuine scriptural principles.

In this spirit, I therefore propose to celebrate the Tricentenary of the Reformation, by uniting the Lutheran and Reformed Congregations of the Court and garrison of Potsdam into one Evangelical Christian Church, and partaking with them of the Holy Sacrament of the Lord's Supper; and I hope that this, my own example, may have a salutary effect upon all the Protestant congregations in my land, and find universal imitation in spirit and in truth. To the wise guidance of the Consistories—to the pious zeal of the clergy and their Synods—I leave the outward form of the agreement to be entered into, assured that the congregation will willingly follow their proper leaders; and that, above all, wherever the eye is directed in earnestness and sincerity, and clear from all interested views, to what is essential, and to the great and holy cause itself, a form will readily be found, and thus the outward shape will spontaneously spring forth from the inward essence, and assume a simple and dignified aspect. May

that promised era not be far distant, when all shall be gathered under one shepherd into one fold, with one faith, one hope, one love.

FREDERIC WILLIAM.

B.

THE CABINET ORDER OF HIS MAJESTY THE KING, TOUCHING THE ESSENCE AND OBJECT OF THE UNION AND THE LITURGY.

It can not but excite my just displeasure that the attempt has been made by some enemies of the peace of our Church, to mislead others by the misconceptions and incorrect views into which they themselves have fallen, with regard to the essence and object of the Union and the Liturgy. It certainly may be hoped that the power of truth, and the sound judgment of the multitude of well-informed persons, will prevent this mischievous attempt from meeting with any general success, and that your scrupulous fulfillment of the commands which I have issued in my Cabinet Order of this day, touching the suppression of separatistic irregularities, will result in bringing back from their errors the few who have allowed themselves to be deceived by false representations. In order, however, to assist those whose objections arise from scruples of conscience to form a correct judgment on the subject in question, it will be advisable to exhibit in their connection the main principles, in accordance with which I have on repeated occasions enjoined you to promote the introduction of the Liturgy and the spread of the Union.

The Union does not signify or aim at any surrender of the existing Confessions of Faith, nor does it derogate from the authority they have hitherto possessed. In acceding to the Union, nothing is expressed but that spirit of charity and moderation which refuses to allow that the differences on certain dogmatical points are a sufficient ground for denying to the members of another Confession external Church-fellowship. The joining the Union is a matter of free choice; and the opinion is therefore erroneous, that the introduction of the new Liturgy is necessarily connected therewith, or indirectly aims at that end.

The latter rests on orders given by me; the former, as has been said, is a matter left to the voluntary decision of each person. The Liturgy is only so far connected with the Union, that the order of Divine Service prescribed in it, and the formularies set forth for the different rites of religion, inasmuch as they are according to Scripture, may be used to the common furthering of Christian piety and fear of God in those congregations which are composed of members of both Confessions, without causing offense and objection. Further, the Liturgy is by no means intended as a substitute for the Confessions of Faith in the Evangelical Church, nor yet to be added to these as of like nature. Its sole object is to provide against all injurious license and confusion, and to establish an order for public worship and the official acts of the clergy which shall be in accordance with the spirit of the Symbolical Books, and is based on the authority of the Evangelical Liturgies of the first period of the Reformation. Consequently the prayer of those who, from dislike to the Union, also resist the introduction of the Liturgy, is to be rejected most earnestly and decidedly as one that can not be entertained. Even in those Churches which have not joined the Union, the use of the national Liturgy must take place, with the modifications allowed to each province in particular. Least of all, however, because it would be most unchristian, can it be permitted to the enemies of the Union, in contradistinction to its friends, to constitute themselves as a separate religious body. I commission you to make this Edict public, by means of the government gazettes.

(Signed) FREDERIC WILLIAM.

To the Minister of State, Baron von Altenstein.*
Berlin, the 28th of February, 1834.

C.

CABINET ORDER OF THE 6TH OF MARCH, 1852.

From the memorial handed in to me with the report of the 19th December last, I perceive that the Supreme Ecclesiastical Council of the Evangelical Church has understood the official

* See *Annals of the Internal Administration of Prussia*. Edited by K. A. von Kamptz, vol. xviii., for 1834, p. 74.

duties imposed on the ecclesiastical courts as regards the questions of Union and Confession in the sense and spirit of that fidelity to the Confessions which guided his late Majesty, my father, now resting with God, when, according to the views expressed in his Cabinet Orders of the 27th of September, 1817 and 28th of February, 1834, he endeavored to accomplish that highly important work in the history of the Christian Church—the Union. It is indubitably clear, both from the above-mentioned manifestoes, and from what he repeatedly expressed to myself, that he never designed the Union to effect a transition from one Confession to another, still less the formation of a third new Confession, but was simply actuated by the wish to unite both Confessions into one National Church, to break down the lamentable barriers which had hitherto prevented the union of the members of both Confessions around the table of the Lord, for all those who in the living sense of their communion in Christ longed for this outward fellowship. If the rules of Church government dictated by those views have, in course of time, been frequently misconceived and misunderstood by the administering functionaries, it affords me particular gratification on this occasion to express my sense that the Supreme Ecclesiastical Council, from the time of their entrance on their onerous duties, have ever made it their earnest endeavor to enlighten the public mind with regard to the Union, and to set the questions connected therewith in their true light. I, however, judge that it is now due time to give these principles a definite expression in the organization of the ecclesiastical authorities, which shall, moreover, serve as a rule of action to the latter, and by this act to give a pledge that in the government of the National Evangelical Church there shall be an equal regard paid to the maintenance of the fellowship subsisting by God's grace between the two Confessions in the Union, and to the independence of each of the two Confessions. Conformably to which, I hereby give my royal sanction to the following principles laid before me by the Evangelical Supreme Ecclesiastical Council.

I. The SUPREME ECCLESIASTICAL COUNCIL is charged with the duty of representing the Evangelical National Church in its collective character and administering its affairs, and at the same time with that of watching over and defending the rights of the separate Confessions and the regulations based upon those rights.

II. The EVANGELICAL SUPREME ECCLESIASTICAL COUNCIL consists of members of both Confessions; but none are eligible to be appointed members thereof, except such persons as conscientiously approve of the co-operation of members of the two Confessions in the government of the Church.

III. In all matters brought before it for decision, the SUPREME ECCLESIASTICAL COUNCIL passes resolutions by a vote of the majority of its members. But if the matter brought before it be of such a nature that its decision affects only one of the two Confessions, the previous confessional question shall not be decided by the collective votes of the members, but only by the votes of the members belonging to the Confession in question, and this decision shall form the basis of the collective resolution of the Board. This is the mode of procedure to be observed in the measures passed relating to the matter in question.

I, accordingly, hereby commission the Supreme Ecclesiastical Council for the future to guide their conduct in accordance with these principles, and to communicate this my Edict to the Provincial Consistories for their observance also, and further to prepare, in concert with my Minister for Ecclesiastical Affairs, a set of instructions by which their proceedings shall be regulated, which instructions are to be laid before me for my royal sanction.

(Signed) FREDERIC WILLIAM.

Charlottenburg, 6th March, 1852.

D.

CABINET ORDER OF THE 12TH OF JULY, 1853.

On reading the report presented by the Supreme Ecclesiastical Council on the 4th of November of this year, I concur with the views therein expressed, that for the prevention of any further fruitless disputes concerning principles, it is advisable to issue no further explanations of a general nature with regard to the various and often contradictory misconceptions which have attached themselves to my Edict of March the 6th, 1852, but in all instances to attend only to complaints and suggestions referring to

particular and actual cases. I, nevertheless, take occasion from this Report to make the following declaration to the Supreme Ecclesiastical Council. It has excited my just displeasure that, as I gather from the document laid before me, my Edict of the 6th of March, 1852, has been perverted in various inadmissible ways, and in particular that many clergymen, identifying their subjective point of view with that of the flock intrusted to them, and imputing to the latter their own personal views, have disturbed people's minds by exciting the fear of dangers to be apprehended on the one side for the Confessions, or on the other for the Union. Although it was certainly the object of my Edict to guaranty that protection to the Confessions within the pale of the Evangelical National Church, to which they have an undoubted claim, it could never be my intention to disturb, still less to repeal, the Union of the two Evangelical Confessions founded by my royal father, now resting in God; and thereby to bring about a schism in the National Church, which, as is shown in the Report of the Supreme Ecclesiastical Council, could not take place without throwing into confusion legal relations that have subsisted for a long series of years, laying burdens on many consciences, and renewing the old hostility between the Confessions. I expect that the members of the Supreme Ecclesiastical Council and of the Provincial Consistories will ever adhere to this point of view, and will set themselves against all the inferences at variance therewith which have been drawn from my Edict. In particular, however, it is requisite most conscientiously to watch that the order of the Church be not undermined by efforts in behalf of the distinctive Confessions; and there should be no recurrence of such cases as are said to have taken place, where Synodal Assemblies, or even single clergymen, have resolved to renounce on behalf of the congregation the title of "Evangelical," and the use of the Union-Liturgy. It is the duty of the ecclesiastical authorities to take care that such attempts to infringe the order of the Church do not remain unpunished, and that departures from the regulations of the Evangelical National Church in the case of single congregations be not taken into consideration by them except upon the unanimous petition of the clergyman and congregation, and be not suffered to take place until after all means of admonition be exhausted, and after they have represented in the liveliest colors the heavy responsi-

bility in the eye of the Lord, which a division of his Church calls down upon the head of its authors, and all who take part in it.

(Signed) FREDERIC WILLIAM.

Sans Souci, July 12th, 1853.

E.

ROYAL CABINET LETTER TO THE PASTORS OF THE WITTENBERG CONFERENCE OF THE 11TH OF OCTOBER, 1853.

The Address which has been presented to me by the Wittenberg Conference of Evangelical Pastors of the Lutheran Confession, dated the 27th of September, has on the one hand been received by me with pleasure, as a testimony to the authority of the regulations of the National Church, but on the other has caused me profound pain, as a proof of the misleading influences exerted by the mistrust of authority peculiar to our age, even on believing and faithful servants of the Word. For it is at once a confession of mistrust and of pusillanimity, when you say that the words of my order of the 12th of last July admit the construction "that it is only the disorders which have arisen from the efforts in behalf of the distinctive Confessions against which steps are to be taken," and yet, influenced by weakness and ill-disposed persons, suffer yourselves to doubt if this be the true construction, instead of trusting in your King, while looking back to all that I have done during the thirteen years of my reign for the protection of the righteous, and even of the erroneous, efforts on behalf of the distinctive Confessions within the Evangelical Church. Had you taken such a retrospect, as your duty toward me would have led you to do, you would have adhered to the correct interpretation of my said order of the 12th of July, and would not have allowed yourselves to be shaken in your well grounded conviction, that my order of the 6th of March, 1852, remains inviolate. Having thus put you in mind of your duty toward myself, I require from you that you should, each in his own Circle, give your public testimony to the true interpretation of the order of the 12th of July, as you ought to

have done ere now. While thus recalling to your remembrance how clearly I have displayed, from the commencement of my reign, and especially by my order of the 6th of March, 1852, my firm resolve that the liberties and peculiarities of the Confessions existing in the Evangelical National Church of Prussia be held sacred, I must at the same time warn you against the attempt to impart to the distinctive Confessions such a degree of authority as to endanger the unity of the Church, or render its government impossible. By taking such a course you would soon arrive at a point in which you would find yourselves no longer able to yield that respect and obedience to the regulations of the Church which you now acknowledge to be your duty. You would thereby draw down upon your heads a responsibility at all times heavy, but which would be overwhelming in these days, when the foes of the Gospel are rising up on all sides against the Word. Remember the threatenings which this very Word of God contains against those who divide the Church, and thank the Lord of the Church that he has placed you in an age in which, after long waiting, longing, and praying, on the part of believers, a Union of the Churches has started into life instead of division, and has already existed for thirty-six years in many parts of our fatherland. Let the sore calamities which the hostility of the two Confessions brought upon the Evangelical Churches during the 16th and 17th centuries be a warning to you; let the strength which you derive from your strict and unflinching adherence to the Symbols of your own Confession be devoted to the service of the collective Evangelical Church, and do not turn this strength against that Church within which both the Evangelical Confessions are well able to find room, and are sure of mutual protection and defense against their common enemies. And at all times examine most seriously where the dangers to the Lutheran Confession which you apprehend are really to be found, that you may not be induced by imaginary grievances to take steps which might easily be interpreted by your enemies as attempts to break down ecclesiastical order.

Given at Sans Souci, 11th October, 1853.

(Signed) FREDERIC WILLIAM.

To Deacon Hoffman in Wittenberg, and his companions.

F.

EVANGELICAL CONSENSUS AS AGREED UPON BY
THE GENERAL SYNOD OF PRUSSIA OF 1846.

In its leading principles this CONSENSUS consists :

FIRST, in the Confession by which the Reformation asserts its agreement with the ancient Apostolic Christian Church, and renounces the heresies which destroy or alter the historical groundwork and character of Christianity, namely, in the confession of the triune, eternal, omniscient, and holy God, the Creator and Preserver of the world, who has revealed Himself to us as Father, Son, and Holy Ghost; likewise of the Incarnation of the only-begotten Son of God in Jesus Christ, and of the other facts of the Gospel on which the Apostles based their preaching and the Christian Church, and which are contained in the universal Creeds of Christendom.

SECONDLY, this CONSENSUS consists in the principle unanimously declared that all the traditions of the Church are made conditional on, and are limited by, the supreme respect due to the canonical Holy Scriptures; that the decision of all doctrinal controversies which may arise in the Church does not rest on the verdict of an infallible office of teaching, but on the Holy Scriptures, which are of themselves sufficient and intelligible; and that the apocryphal books of the Old Testament, although more or less made use of by the two Evangelical Confessions, yet do not belong to this basis of doctrines concerning Faith and the Commandments of God.

FURTHER, the CONSENSUS consists in the doctrine that man has fallen into sin, not by the will and according to the providential dispensation of God, who is not the author of evil, but by the self-will of the creature; and that he is worthy of condemnation on account of sin; that the same natural man, though, indeed, of his own power able to work out a righteousness for himself as a citizen of this world, is not able to fulfill the Divine law in its essence, or to merit forgiveness of his sins from God; that, nevertheless, the mercy of God has not forsaken the human race, but has been manifested to it in various ways, and finally by the sending of His Son into the world, who has accomplished our

redemption, as our only mediator, and whose work as our High Priest excludes every other satisfaction for sin, whether regarded as necessary to complete that satisfaction, or in any way to be added to it; while his kingly office excludes any human sovereignty over the Church. The Evangelical Church of both Confessions is no less agreed in the doctrine that God justifies the sinner of His mere mercy, through faith in the reconciliation made by Christ; and in their doctrine concerning good works, which proceed from love as the fruits and testimonies of a living faith, and are necessary for God's sake, who has commanded them, and to whose glory they are performed.

From these propositions it is clear that the two Confessions are in harmony with each other as regards the doctrines of Repentance, Regeneration, and daily Renewal.

This CONSENSUS consists further in the declaration unanimously put forth by the Reformers concerning the impossibility of any good works which exceed the demands of the law, as also that the perfect imitation of Christ to be striven after by His servants is not to be attained external to, but within the natural conditions of life ordained by God, such as marriage, and all the domestic and civil relations.

It consists further in the doctrines acknowledged by the Church with regard to the means of grace and the ordinances of the Church; that the Church, whose truth is to be recognized by the purity of her doctrine and the scriptural administration of the Sacraments, is, indeed, essentially the Congregation of the Saints or Believers, but that she does not presume to judge men's hearts, nor to make the efficacy of the means of grace dependent on the dispositions and worthiness of those who administer them; that, nevertheless, she has authority to build up those whom God has called into her fold by instruction and exhortation, as also by her order and discipline, and to purify herself from offenses; that the Office of the Ministry is of Divine institution, and to be filled up by men regularly appointed thereunto; that she can not recognize any mission or illumination which departs from the outward Word of God as contained in Holy Scripture; that Baptism and the Lord's Supper, as the only sacramental institutions of the New Testament, are to continue till the coming of the Lord; that they do not bring blessing and grace by virtue of the external performance of the rites, but by virtue of the

promises of God, which demand and enkindle faith; and that it is incumbent on the Church to establish institutions for the celebration of public worship—the administration of the sacraments—the regulation of morality—and also the care of the poor; remembering only that such works and institutions shall not offend against the Gospel, nor be regarded as essential to salvation, nor unalterable in their nature.

LASTLY, the CONSENSUS consists in those doctrines concerning things to come, which are already contained in the Creeds of universal Christendom, and in all that appertains to our hope in Christ under crosses and sufferings, and in the general doctrine concerning the Christian life and a blessed death.

Side by side with the CONSENSUS, which lays the deepest foundation for Christian brotherhood in the Evangelical Churches, there does, indeed, subsist a difference of doctrine concerning the Sacraments in general, and more especially concerning the Lord's Supper, concerning Confession and the office of the Keys, and concerning the Election of Grace; which difference has arisen within the pale of the Reformation, and is expressed more or less clearly in the distinctive Creeds of the Protestant Churches. Apart, however, from the circumstance that these differences are not found in their most stringent form in those German Confessions of Faith which have obtained the most wide-spread authority, and that for the most part they have gradually resolved themselves into a multiplicity of theological interpretations and private opinions of individual Christians, and a fresh exposition of the points of disagreement having been made by both sides, in the manner indicated at the Conference held in Leipzig, concerning the Articles of the Augsburg Confession and other documents, it appears that, even with regard to these distinctive doctrines themselves, a Consensus of considerable extent may be attained, which points toward a common foundation in Scripture, and may be now declared in the following terms, subject to any further modification that may be agreed upon: Namely, as regards the doctrine of Election, that which is contained in the following propositions, and which constitutes the practical aspect of the dogma, may be regarded as the unambiguous Confession of the Evangelical Church:

1. Since it is the will of God, as revealed in Christ, that the sinner should not die, but live—namely, that he should suffer

himself to be converted by the preaching of the cross, and be saved by faith—the gracious calling of God is truly, and indeed, extended to all hearers of the Gospel.

2. Those, however, who are effectually called, ought not to ascribe it to their running or the merits of their faith, but solely to the mercy and election of their God, who has made them acceptable in the Beloved, and those who do not obtain salvation have not to ascribe it to the impotence of the Gospel, nor the inefficacy of God's gracious calling, but to their own disobedience toward the Gospel, and their own striving against the spirit of grace.

3. Those, however, who, being justified by faith, have peace with God, and bring forth the fruits of righteousness, may, under heavy assaults, take comfort in believing that the grace which they have received in becoming believers is not temporal and perishable, but that an eternal purpose and counsel of the love of God has been revealed in them, and in the strength of this consolation strive to make their calling and election sure.

As touching the Sacraments, the same Evangelical Church teaches with one accord that :

1. Christ, in fellowship with whom is our salvation, has obtained this salvation for us, and appropriates it to us. The means by which His grace operates are preaching and the seals of His covenant. The seals of the covenant of grace are two, namely, Baptism, and the Lord's Supper; the former serves to lay the foundation of the whole life in covenant with the Saviour, the latter aids the fulfilling, renewal, and perfecting of the same. What is alike in both is that they are acts ordained by Christ in the Church, to which are attached a mystery and a promise, and are performed in the words which He has prescribed, by which a participation in Him and His salvation is not merely typified and offered, but pledged and secured. It is not the faith of the recipient, but the grace of the invisible giver which works this blessing, which blessing can neither be secured nor frustrated at the will of the visible administrant, but may be changed into a curse and a judgment by the impenitence and hypocrisy of the recipient.

2. Baptism is a holy rite of the Christian Church, by which a justifying and quickening fellowship with the Redeemer is commenced in the hearts of the Called; and since the Lord Himself

has commanded us to bring children to Him that He may bless them and give them his salvation, it may, and ought to be imparted to those of tender years, who are thereby received into the sphere of the operations of His grace.

3. The Holy Sacrament of the Lord's Supper is the seal and means of a personal and a common covenant of grace with the Lord, or the true communion of His Body and Blood, founded by Christ when He instituted the blessing of the Bread and of the Cup, in which He communicates to us the virtues of His life and the blessings of His redemption from sin and death, that we may be able to renew our strength, and to come off more than conquerors in the warfare with the flesh, the world, and the devil.

Finally, as touching Confession and the office of the Keys, we confess that the Church has, through the Apostles, received authority, not only to preach the word of repentance to reconciliation, but also to announce to such as confess their sins and turn to God, forgiveness in God's name, on condition of a repentant and believing temper of mind, and to refuse it to such as live in open vice, and neither confess unto repentance, nor exhibit any fruits thereof.

THE END.



